

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 19, 2013

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 23, 2013

SENATE BILL

No. 821

Introduced by Committee on Business, Professions and Economic Development (Senators Lieu (Chair), Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Padilla, Wyland, and Yee)

March 20, 2013

An act to amend Sections 1613, 1915, 1926.2, 3024, 3025, 3040, 3041.2, 3051, 3057.5, 3077, 3093, 3098, 3103, 3106, 3107, 3109, 3163, 4053, 4107, 4980.36, 4980.397, 4980.398, 4980.399, 4980.40, 4980.43, 4980.50, 4980.72, 4984.01, 4984.7, 4984.72, 4989.68, 4992.05, 4992.07, 4992.09, 4992.1, 4996.1, 4996.3, 4996.4, 4996.9, 4996.17, 4996.18, ~~4996.23~~, 4996.28, 4999.20, 4999.33, 4999.45, 4999.46, 4999.47, 4999.50, 4999.52, 4999.53, 4999.55, 4999.60, 4999.64, and 4999.100 of, and to add Section 4021.5 to, the Business and Professions Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 821, as amended, Committee on Business, Professions and Economic Development. Healing arts.

(1) Existing law, the Dental Practice Act, establishes the Dental Board of California, which was formerly known as the Board of Dental Examiners of California. Existing law requires the board to have and use a seal bearing its name. Existing law creates, within the jurisdiction of the board, a Dental Hygiene Committee of California, that is

responsible for regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions.

This bill would amend those provisions to remove an obsolete reference to the former board and to make other technical changes.

(2) Existing law, the Optometry Practice Act, provides for the licensure and regulation of optometrists by the State Board of Optometry. That act refers to the authorization to practice optometry issued by the board as a certificate of registration.

This bill would instead refer to that authorization issued by the board as an optometrist license and would make other technical and conforming changes.

(3) Existing law, the Pharmacy Law, governs the business and practice of pharmacy in this state and establishes the California State Board of Pharmacy. Existing law prohibits the board from issuing more than one site license to a single premises except to issue a veterinary food-animal drug retailer license to a wholesaler or to issue a license for compound sterile injectable drugs to a pharmacy.

This bill would additionally authorize the board to issue more than one site license to a single premises to issue a centralized hospital packaging license. The bill would also establish a definition for the term “correctional pharmacy.”

Existing law authorizes the board to issue a license as a designated representative to provide supervision in a wholesaler or veterinary food-animal drug retailer. Existing law requires an individual to meet specified requirements to obtain and maintain a designated representative license, including a minimum of one year of paid work experience related to the distribution or dispensing of dangerous drugs or devices or meet certain prerequisites.

The bill would require the one year of paid work experience to obtain a designated representative license to be in a licensed pharmacy, or with a drug wholesaler, drug distributor, or drug manufacturer. The bill would also make related, technical changes.

(4) Existing law provides for the licensure and regulation of marriage and family therapists, licensed educational psychologists, licensed clinical social workers, and licensed professional clinical counselors by the Board of Behavioral Sciences. Existing law makes various changes to the licensing and associated eligibility and examination requirements for marriage and family therapists, licensed clinical social

workers, and licensed professional clinical counselors, effective January 1, 2014.

This bill would delay the implementation of these and other related changes until January 1, 2016.

Existing law requires all persons applying for marriage and family therapist, ~~licensed clinical social worker~~, or licensed professional clinical counselor licensure examinations to have specified hours of experience, ~~not including experience gained by interns or trainees as independent contractors.~~ *an intern or trainee as an employee or volunteer.*

This bill would specify that experience shall ~~not~~ be gained by ~~interns or trainees or associates for work performed as an independent contractor or reported on an IRS Form 1099.~~ *an intern or trainee only as an employee or volunteer.*

Existing law also authorizes the board to issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country if certain conditions are met, considering hours of experience obtained outside of California during the 6-year period immediately preceding the date the applicant initially obtained the license.

This bill would instead require time actively licensed as a marriage and family therapist to be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant has fewer than 3,000 hours of qualifying supervised experience.

Existing law establishes a \$75 delinquent renewal fee for a licensed educational psychologist and for licensed clinical social workers.

This bill would instead specify that \$75 is the maximum delinquent renewal fee.

Existing law requires an applicant for registration as an associate clinical social worker to meet specified requirements. Existing law also defines the application of social work principles and methods.

This bill would additionally require that all applicants and registrants be at all times under the supervision of a supervisor responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who is responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work. The bill would also specify that the practice of clinical social

work includes the use, application, and integration of the coursework and experience required.

Existing law requires a licensed professional clinical counselor, to qualify for a clinical examination for licensure, to complete clinical mental health experience, as specified, including not more than 250 hours of experience providing counseling or crisis counseling on the telephone.

This bill instead would require not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth.

(5) The bill would also make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1613 of the Business and Professions
- 2 Code is amended to read:
- 3 1613. The board shall have and use a seal bearing the name
- 4 “Dental Board of California.”
- 5 SEC. 2. Section 1915 of the Business and Professions Code is
- 6 amended to read:
- 7 1915. No person other than a registered dental hygienist,
- 8 registered dental hygienist in alternative practice, or registered
- 9 dental hygienist in extended functions or a licensed dentist may
- 10 engage in the practice of dental hygiene or perform dental hygiene
- 11 procedures on patients, including, but not limited to, supragingival
- 12 and subgingival scaling, dental hygiene assessment, and treatment
- 13 planning, except for the following persons:
- 14 (a) A student enrolled in a dental or a dental hygiene school
- 15 who is performing procedures as part of the regular curriculum of
- 16 that program under the supervision of the faculty of that program.
- 17 (b) A dental assistant acting in accordance with the rules of the
- 18 dental board in performing the following procedures:
- 19 (1) Applying nonaerosol and noncaustic topical agents.
- 20 (2) Applying topical fluoride.
- 21 (3) Taking impressions for bleaching trays.
- 22 (c) A registered dental assistant acting in accordance with the
- 23 rules of the dental board in performing the following procedures:
- 24 (1) Polishing the coronal surfaces of teeth.

1 (2) Applying bleaching agents.

2 (3) Activating bleaching agents with a nonlaser light-curing
3 device.

4 (4) Applying pit and fissure sealants.

5 (d) A registered dental assistant in extended functions acting in
6 accordance with the rules of the dental board in applying pit and
7 fissure sealants.

8 (e) A registered dental hygienist, registered dental hygienist in
9 alternative practice, or registered dental hygienist in extended
10 functions licensed in another jurisdiction, performing a clinical
11 demonstration for educational purposes.

12 SEC. 3. Section 1926.2 of the Business and Professions Code
13 is amended to read:

14 1926.2. (a) Notwithstanding any other provision of law, a
15 registered dental hygienist in alternative practice may operate one
16 mobile dental hygiene clinic registered as a dental hygiene office
17 or facility. The owner or operator of the mobile dental hygiene
18 clinic or unit shall be registered and operated in accordance with
19 regulations established by the committee, which regulations shall
20 not be designed to prevent or lessen competition in service areas,
21 and shall pay the fees described in Section 1944.

22 (b) A mobile service unit, as defined in subdivision (b) of
23 Section 1765.105 of the Health and Safety Code, and a mobile
24 unit operated by an entity that is exempt from licensure pursuant
25 to subdivision (b), (c), or (h) of Section 1206 of the Health and
26 Safety Code, are exempt from this article. Notwithstanding this
27 exemption, the owner or operator of the mobile unit shall notify
28 the committee within 60 days of the date on which dental hygiene
29 services are first delivered in the mobile unit, or the date on which
30 the mobile unit's application pursuant to Section 1765.130 of the
31 Health and Safety Code is approved, whichever is earlier.

32 (c) A licensee practicing in a mobile unit described in
33 subdivision (b) is not subject to subdivision (a) as to that mobile
34 unit.

35 SEC. 4. Section 3024 of the Business and Professions Code is
36 amended to read:

37 3024. The board may grant or refuse to grant an optometrist
38 license as provided in this chapter and may revoke or suspend the
39 license of any optometrist for any of the causes specified in this
40 chapter.

1 It shall have the power to administer oaths and to take testimony
2 in the exercise of these functions.

3 SEC. 5. Section 3025 of the Business and Professions Code is
4 amended to read:

5 3025. The board may make and promulgate rules and
6 regulations governing procedure of the board, the admission of
7 applicants for examination for a license as an optometrist, and the
8 practice of optometry. All of those rules and regulations shall be
9 in accordance with and not inconsistent with the provisions of this
10 chapter. The rules and regulations shall be adopted, amended, or
11 repealed in accordance with the provisions of the Administrative
12 Procedure Act.

13 SEC. 6. Section 3040 of the Business and Professions Code is
14 amended to read:

15 3040. It is unlawful for a person to engage in the practice of
16 optometry or to display a sign or in any other way to advertise or
17 hold himself or herself out as an optometrist without having first
18 obtained an optometrist license from the board under the provisions
19 of this chapter or under the provisions of any former act relating
20 to the practice of optometry. The practice of optometry includes
21 the performing or controlling of any acts set forth in Section 3041.

22 In any prosecution for a violation of this section, the use of test
23 cards, test lenses, or of trial frames is prima facie evidence of the
24 practice of optometry.

25 SEC. 7. Section 3041.2 of the Business and Professions Code
26 is amended to read:

27 3041.2. (a) The State Board of Optometry shall, by regulation,
28 establish educational and examination requirements for licensure
29 to ensure the competence of optometrists to practice pursuant to
30 subdivision (a) of Section 3041. Satisfactory completion of the
31 educational and examination requirements shall be a condition for
32 the issuance of an original optometrist license under this chapter,
33 on and after January 1, 1980. Only those optometrists who have
34 successfully completed educational and examination requirements
35 as determined by the State Board of Optometry shall be permitted
36 the use of pharmaceutical agents specified by subdivision (a) of
37 Section 3041.

38 (b) Nothing in this section shall authorize an optometrist issued
39 an original optometrist license under this chapter before January
40 1, 1996, to use or prescribe therapeutic pharmaceutical agents

1 specified in subdivision (d) of Section 3041 without otherwise
2 meeting the requirements of Section 3041.3.

3 SEC. 8. Section 3051 of the Business and Professions Code is
4 amended to read:

5 3051. All applicants for examination for an optometrist license
6 in accordance with the educational and examination requirements
7 adopted pursuant to Section 3023.1 shall show the board by
8 satisfactory evidence that he or she has received education in child
9 abuse detection and the detection of alcoholism and other chemical
10 substance dependency. This section shall apply only to applicants
11 who matriculate in a school of optometry on or after September
12 1, 1997.

13 SEC. 9. Section 3057.5 of the Business and Professions Code
14 is amended to read:

15 3057.5. Notwithstanding any other provision of this chapter,
16 the board shall permit a graduate of a foreign university who meets
17 all of the following requirements to take the examinations for an
18 optometrist license:

19 (a) Is over 18 years of age.

20 (b) Is not subject to denial of a license under Section 480.

21 (c) Has a degree as a doctor of optometry issued by a university
22 located outside of the United States.

23 SEC. 10. Section 3077 of the Business and Professions Code
24 is amended to read:

25 3077. As used in this section, "office" means any office or
26 other place for the practice of optometry.

27 (a) No person, singly or in combination with others, may have
28 an office unless he or she is licensed to practice optometry under
29 this chapter.

30 (b) An optometrist, or two or more optometrists jointly, may
31 have one office without obtaining a branch office license from the
32 board.

33 (c) On and after October 1, 1959, no optometrist, and no two
34 or more optometrists jointly, may have more than one office unless
35 he or she or they comply with the provisions of this chapter as to
36 an additional office. The additional office, for the purposes of this
37 chapter, constitutes a branch office.

38 (d) Any optometrist who has, or any two or more optometrists,
39 jointly, who have, a branch office prior to January 1, 1957, and
40 who desire to continue the branch office on or after that date shall

1 notify the board in writing of that desire in a manner prescribed
2 by the board.

3 (e) On and after January 1, 1957, any optometrist, or any two
4 or more optometrists, jointly, who desire to open a branch office
5 shall notify the board in writing in a manner prescribed by the
6 board.

7 (f) On and after January 1, 1957, no branch office may be
8 opened or operated without a branch office license. Branch office
9 licenses shall be valid for the calendar year in or for which they
10 are issued and shall be renewable on January 1 of each year
11 thereafter. Branch office licenses shall be issued or renewed only
12 upon the payment of the fee therefor prescribed by this chapter.

13 On or after October 1, 1959, no more than one branch office
14 license shall be issued to any optometrist or to any two or more
15 optometrists, jointly.

16 (g) Any failure to comply with the provisions of this chapter
17 relating to branch offices or branch office licenses as to any branch
18 office shall work the suspension of the optometrist license of each
19 optometrist who, individually or with others, has a branch office.
20 An optometrist license so suspended shall not be restored except
21 upon compliance with those provisions and the payment of the fee
22 prescribed by this chapter for restoration of a license after
23 suspension for failure to comply with the provisions of this chapter
24 relating to branch offices.

25 (h) The holder or holders of a branch office license shall pay
26 the annual renewal fee therefor in the amount required by this
27 chapter between the first day of January and the first day of
28 February of each year. The failure to pay the fee in advance on or
29 before February 1 of each year during the time it is in force shall
30 ipso facto work the suspension of the branch office license. The
31 license shall not be restored except upon written application and
32 the payment of the penalty prescribed by this chapter, and, in
33 addition, all delinquent branch office fees.

34 (i) Nothing in this chapter shall limit or authorize the board to
35 limit the number of branch offices that are in operation on October
36 1, 1959, and that conform to this chapter, nor prevent an
37 optometrist from acquiring any branch office or offices of his or
38 her parent. The sale after October 1, 1959, of any branch office
39 shall terminate the privilege of operating the branch office, and
40 no new branch office license shall be issued in place of the license

1 issued for the branch office, unless the branch office is the only
2 one operated by the optometrist or by two or more optometrists
3 jointly.

4 Nothing in this chapter shall prevent an optometrist from owning,
5 maintaining, or operating more than one branch office if he or she
6 is in personal attendance at each of his or her offices 50 percent
7 of the time during which the office is open for the practice of
8 optometry.

9 (j) The board shall have the power to adopt, amend, and repeal
10 rules and regulations to carry out the provisions of this section.

11 (k) Notwithstanding any other provision of this section, neither
12 an optometrist nor an individual practice association shall be
13 deemed to have an additional office solely by reason of the
14 optometrist's participation in an individual practice association or
15 the individual practice association's creation or operation. As used
16 in this subdivision, the term "individual practice association" means
17 an entity that meets all of the following requirements:

18 (1) Complies with the definition of an optometric corporation
19 in Section 3160.

20 (2) Operates primarily for the purpose of securing contracts
21 with health care service plans or other third-party payers that make
22 available eye/vision services to enrollees or subscribers through a
23 panel of optometrists.

24 (3) Contracts with optometrists to serve on the panel of
25 optometrists, but does not obtain an ownership interest in, or
26 otherwise exercise control over, the respective optometric practices
27 of those optometrists on the panel.

28 Nothing in this subdivision shall be construed to exempt an
29 optometrist who is a member of an individual practice association
30 and who practices optometry in more than one physical location,
31 from the requirement of obtaining a branch office license for each
32 of those locations, as required by this section. However, an
33 optometrist shall not be required to obtain a branch office license
34 solely as a result of his or her participation in an individual practice
35 association in which the members of the individual practice
36 association practice optometry in a number of different locations,
37 and each optometrist is listed as a member of that individual
38 practice association.

39 SEC. 11. Section 3093 of the Business and Professions Code
40 is amended to read:

1 3093. Before setting aside the revocation or suspension of any
2 optometrist license, the board may require the applicant to pass
3 the regular examination given for applicants for an optometrist
4 license.

5 SEC. 12. Section 3098 of the Business and Professions Code
6 is amended to read:

7 3098. When the holder uses the title of “Doctor” or “Dr.” as a
8 prefix to his or her name, without using the word “optometrist” as
9 a suffix to his or her name or in connection with it, or, without
10 holding a diploma from an accredited school of optometry, the
11 letters “Opt. D.” or “O.D.” as a suffix to his or her name, it
12 constitutes a cause to revoke or suspend his or her optometrist
13 license.

14 SEC. 13. Section 3103 of the Business and Professions Code
15 is amended to read:

16 3103. It is unlawful to include in any advertisement relating
17 to the sale or disposition of goggles, sunglasses, colored glasses,
18 or occupational eye-protective devices, any words or figures that
19 advertise or have a tendency to advertise the practice of optometry.

20 This section does not prohibit the advertising of the practice of
21 optometry by a licensed optometrist in the manner permitted by
22 law.

23 SEC. 14. Section 3106 of the Business and Professions Code
24 is amended to read:

25 3106. Knowingly making or signing any license, certificate,
26 or other document directly or indirectly related to the practice of
27 optometry that falsely represents the existence or nonexistence of
28 a state of facts constitutes unprofessional conduct.

29 SEC. 15. Section 3107 of the Business and Professions Code
30 is amended to read:

31 3107. It is unlawful to use or attempt to use any license or
32 certificate issued by the board that has been purchased, fraudulently
33 issued, counterfeited, or issued by mistake, as a valid license or
34 certificate.

35 SEC. 16. Section 3109 of the Business and Professions Code
36 is amended to read:

37 3109. Directly or indirectly accepting employment to practice
38 optometry from any person not having a valid, unrevoked license
39 as an optometrist or from any company or corporation constitutes
40 unprofessional conduct. Except as provided in this chapter, no

1 optometrist may, singly or jointly with others, be incorporated or
2 become incorporated when the purpose or a purpose of the
3 corporation is to practice optometry or to conduct the practice of
4 optometry.

5 The terms “accepting employment to practice optometry” as
6 used in this section shall not be construed so as to prevent a
7 licensed optometrist from practicing optometry upon an individual
8 patient.

9 Notwithstanding the provisions of this section or the provisions
10 of any other law, a licensed optometrist may be employed to
11 practice optometry by a physician and surgeon who holds a license
12 under this division and who practices in the specialty of
13 ophthalmology or by a health care service plan pursuant to the
14 provisions of Chapter 2.2 (commencing with Section 1340) of
15 Division 2 of the Health and Safety Code.

16 SEC. 17. Section 3163 of the Business and Professions Code
17 is amended to read:

18 3163. Except as provided in Section 3078, the name of an
19 optometric corporation and any name or names under which it
20 may be rendering professional services shall contain and be
21 restricted to the name or the last name of one or more of the
22 present, prospective, or former shareholders and shall include the
23 words optometric corporation or wording or abbreviations denoting
24 corporate existence, provided that the articles of incorporation
25 shall be amended to delete the name of a former shareholder from
26 the name of the corporation within two years from the date the
27 former shareholder dies or otherwise ceases to be a shareholder.

28 SEC. 18. Section 4021.5 is added to the Business and
29 Professions Code, to read:

30 4021.5. “Correctional pharmacy” means a pharmacy, licensed
31 by the board, located within a state correctional facility for the
32 purpose of providing pharmaceutical care to inmates of the state
33 correctional facility.

34 SEC. 19. Section 4053 of the Business and Professions Code
35 is amended to read:

36 4053. (a) Notwithstanding Section 4051, the board may issue
37 a license as a designated representative to provide sufficient and
38 qualified supervision in a wholesaler or veterinary food-animal
39 drug retailer. The designated representative shall protect the public
40 health and safety in the handling, storage, and shipment of

1 dangerous drugs and dangerous devices in the wholesaler or
2 veterinary food-animal drug retailer.

3 (b) An individual may apply for a designated representative
4 license. In order to obtain and maintain that license, the individual
5 shall meet all of the following requirements:

6 (1) He or she shall be a high school graduate or possess a general
7 education development certificate equivalent.

8 (2) He or she shall have a minimum of one year of paid work
9 experience in a licensed pharmacy, or with a drug wholesaler, drug
10 distributor, or drug manufacturer, in the past three years, related
11 to the distribution or dispensing of dangerous drugs or dangerous
12 devices or meet all of the prerequisites to take the examination
13 required for licensure as a pharmacist by the board.

14 (3) He or she shall complete a training program approved by
15 the board that, at a minimum, addresses each of the following
16 subjects:

17 (A) Knowledge and understanding of California law and federal
18 law relating to the distribution of dangerous drugs and dangerous
19 devices.

20 (B) Knowledge and understanding of California law and federal
21 law relating to the distribution of controlled substances.

22 (C) Knowledge and understanding of quality control systems.

23 (D) Knowledge and understanding of the United States
24 Pharmacopoeia standards relating to the safe storage and handling
25 of drugs.

26 (E) Knowledge and understanding of prescription terminology,
27 abbreviations, dosages and format.

28 (4) The board may, by regulation, require training programs to
29 include additional material.

30 (5) The board may not issue a license as a designated
31 representative until the applicant provides proof of completion of
32 the required training to the board.

33 (c) The veterinary food-animal drug retailer or wholesaler shall
34 not operate without a pharmacist or a designated representative
35 on its premises.

36 (d) Only a pharmacist or a designated representative shall
37 prepare and affix the label to veterinary food-animal drugs.

38 (e) Section 4051 shall not apply to any laboratory licensed under
39 Section 351 of Title III of the Public Health Service Act (Public
40 Law 78-410).

1 SEC. 20. Section 4107 of the Business and Professions Code
2 is amended to read:

3 4107. (a) The board may not issue more than one site license
4 to a single premises except as follows:

5 (1) To issue a veterinary food-animal drug retailer license to a
6 wholesaler pursuant to Section 4196.

7 (2) To issue a license to compound sterile injectable drugs to a
8 pharmacy pursuant to Section 4127.1.

9 (3) To issue a centralized hospital packaging license pursuant
10 to Section 4128.

11 (b) For the purposes of this subdivision, “premises” means a
12 location with its own address and an independent means of ingress
13 and egress.

14 SEC. 21. Section 4980.36 of the Business and Professions
15 Code is amended to read:

16 4980.36. (a) This section shall apply to the following:

17 (1) Applicants for licensure or registration who begin graduate
18 study before August 1, 2012, and do not complete that study on
19 or before December 31, 2018.

20 (2) Applicants for licensure or registration who begin graduate
21 study before August 1, 2012, and who graduate from a degree
22 program that meets the requirements of this section.

23 (3) Applicants for licensure or registration who begin graduate
24 study on or after August 1, 2012.

25 (b) To qualify for a license or registration, applicants shall
26 possess a doctoral or master’s degree meeting the requirements of
27 this section in marriage, family, and child counseling, marriage
28 and family therapy, couple and family therapy, psychology, clinical
29 psychology, counseling psychology, or counseling with an
30 emphasis in either marriage, family, and child counseling or
31 marriage and family therapy, obtained from a school, college, or
32 university approved by the Bureau for Private Postsecondary
33 Education or accredited by either the Commission on Accreditation
34 for Marriage and Family Therapy Education or a regional
35 accrediting agency recognized by the United States Department
36 of Education. The board has the authority to make the final
37 determination as to whether a degree meets all requirements,
38 including, but not limited to, course requirements, regardless of
39 accreditation or approval.

- 1 (c) A doctoral or master's degree program that qualifies for
2 licensure or registration shall do the following:
- 3 (1) Integrate all of the following throughout its curriculum:
- 4 (A) Marriage and family therapy principles.
- 5 (B) The principles of mental health recovery-oriented care and
6 methods of service delivery in recovery-oriented practice
7 environments, among others.
- 8 (C) An understanding of various cultures and the social and
9 psychological implications of socioeconomic position, and an
10 understanding of how poverty and social stress impact an
11 individual's mental health and recovery.
- 12 (2) Allow for innovation and individuality in the education of
13 marriage and family therapists.
- 14 (3) Encourage students to develop the personal qualities that
15 are intimately related to effective practice, including, but not
16 limited to, integrity, sensitivity, flexibility, insight, compassion,
17 and personal presence.
- 18 (4) Permit an emphasis or specialization that may address any
19 one or more of the unique and complex array of human problems,
20 symptoms, and needs of Californians served by marriage and
21 family therapists.
- 22 (5) Provide students with the opportunity to meet with various
23 consumers and family members of consumers of mental health
24 services to enhance understanding of their experience of mental
25 illness, treatment, and recovery.
- 26 (d) The degree described in subdivision (b) shall contain no less
27 than 60 semester or 90 quarter units of instruction that includes,
28 but is not limited to, the following requirements:
- 29 (1) Both of the following:
- 30 (A) No less than 12 semester or 18 quarter units of coursework
31 in theories, principles, and methods of a variety of
32 psychotherapeutic orientations directly related to marriage and
33 family therapy and marital and family systems approaches to
34 treatment and how these theories can be applied therapeutically
35 with individuals, couples, families, adults, including elder adults,
36 children, adolescents, and groups to improve, restore, or maintain
37 healthy relationships.
- 38 (B) Practicum that involves direct client contact, as follows:

1 (i) A minimum of six semester or nine quarter units of practicum
2 in a supervised clinical placement that provides supervised
3 fieldwork experience.

4 (ii) A minimum of 150 hours of face-to-face experience
5 counseling individuals, couples, families, or groups.

6 (iii) A student must be enrolled in a practicum course while
7 counseling clients, except as specified in subdivision (c) of Section
8 4980.42.

9 (iv) The practicum shall provide training in all of the following
10 areas:

11 (I) Applied use of theory and psychotherapeutic techniques.

12 (II) Assessment, diagnosis, and prognosis.

13 (III) Treatment of individuals and premarital, couple, family,
14 and child relationships, including trauma and abuse, dysfunctions,
15 healthy functioning, health promotion, illness prevention, and
16 working with families.

17 (IV) Professional writing, including documentation of services,
18 treatment plans, and progress notes.

19 (V) How to connect people with resources that deliver the
20 quality of services and support needed in the community.

21 (v) Educational institutions are encouraged to design the
22 practicum required by this subparagraph to include marriage and
23 family therapy experience in low income and multicultural mental
24 health settings.

25 (vi) In addition to the 150 hours required in clause (ii), 75 hours
26 of either of the following:

27 (I) Client centered advocacy, as defined in Section 4980.03.

28 (II) Face-to-face experience counseling individuals, couples,
29 families, or groups.

30 (2) Instruction in all of the following:

31 (A) Diagnosis, assessment, prognosis, and treatment of mental
32 disorders, including severe mental disorders, evidence-based
33 practices, psychological testing, psychopharmacology, and
34 promising mental health practices that are evaluated in peer
35 reviewed literature.

36 (B) Developmental issues from infancy to old age, including
37 instruction in all of the following areas:

38 (i) The effects of developmental issues on individuals, couples,
39 and family relationships.

- 1 (ii) The psychological, psychotherapeutic, and health
- 2 implications of developmental issues and their effects.
- 3 (iii) Aging and its biological, social, cognitive, and
- 4 psychological aspects.
- 5 (iv) A variety of cultural understandings of human development.
- 6 (v) The understanding of human behavior within the social
- 7 context of socioeconomic status and other contextual issues
- 8 affecting social position.
- 9 (vi) The understanding of human behavior within the social
- 10 context of a representative variety of the cultures found within
- 11 California.
- 12 (vii) The understanding of the impact that personal and social
- 13 insecurity, social stress, low educational levels, inadequate housing,
- 14 and malnutrition have on human development.
- 15 (C) The broad range of matters and life events that may arise
- 16 within marriage and family relationships and within a variety of
- 17 California cultures, including instruction in all of the following:
- 18 (i) A minimum of seven contact hours of training or coursework
- 19 in child abuse assessment and reporting as specified in Section 28,
- 20 and any regulations promulgated thereunder.
- 21 (ii) Spousal or partner abuse assessment, detection, intervention
- 22 strategies, and same gender abuse dynamics.
- 23 (iii) Cultural factors relevant to abuse of partners and family
- 24 members.
- 25 (iv) Childbirth, child rearing, parenting, and stepparenting.
- 26 (v) Marriage, divorce, and blended families.
- 27 (vi) Long-term care.
- 28 (vii) End of life and grief.
- 29 (viii) Poverty and deprivation.
- 30 (ix) Financial and social stress.
- 31 (x) Effects of trauma.
- 32 (xi) The psychological, psychotherapeutic, community, and
- 33 health implications of the matters and life events described in
- 34 clauses (i) to (x), inclusive.
- 35 (D) Cultural competency and sensitivity, including a familiarity
- 36 with the racial, cultural, linguistic, and ethnic backgrounds of
- 37 persons living in California.
- 38 (E) Multicultural development and cross-cultural interaction,
- 39 including experiences of race, ethnicity, class, spirituality, sexual

1 orientation, gender, and disability, and their incorporation into the
2 psychotherapeutic process.

3 (F) The effects of socioeconomic status on treatment and
4 available resources.

5 (G) Resilience, including the personal and community qualities
6 that enable persons to cope with adversity, trauma, tragedy, threats,
7 or other stresses.

8 (H) Human sexuality, including the study of physiological,
9 psychological, and social cultural variables associated with sexual
10 behavior and gender identity, and the assessment and treatment of
11 psychosexual dysfunction.

12 (I) Substance use disorders, co-occurring disorders, and
13 addiction, including, but not limited to, instruction in all of the
14 following:

15 (i) The definition of substance use disorders, co-occurring
16 disorders, and addiction. For purposes of this subparagraph,
17 “co-occurring disorders” means a mental illness and substance
18 abuse diagnosis occurring simultaneously in an individual.

19 (ii) Medical aspects of substance use disorders and co-occurring
20 disorders.

21 (iii) The effects of psychoactive drug use.

22 (iv) Current theories of the etiology of substance abuse and
23 addiction.

24 (v) The role of persons and systems that support or compound
25 substance abuse and addiction.

26 (vi) Major approaches to identification, evaluation, and treatment
27 of substance use disorders, co-occurring disorders, and addiction,
28 including, but not limited to, best practices.

29 (vii) Legal aspects of substance abuse.

30 (viii) Populations at risk with regard to substance use disorders
31 and co-occurring disorders.

32 (ix) Community resources offering screening, assessment,
33 treatment, and followup for the affected person and family.

34 (x) Recognition of substance use disorders, co-occurring
35 disorders, and addiction, and appropriate referral.

36 (xi) The prevention of substance use disorders and addiction.

37 (J) California law and professional ethics for marriage and
38 family therapists, including instruction in all of the following areas
39 of study:

1 (i) Contemporary professional ethics and statutory, regulatory,
2 and decisional laws that delineate the scope of practice of marriage
3 and family therapy.

4 (ii) The therapeutic, clinical, and practical considerations
5 involved in the legal and ethical practice of marriage and family
6 therapy, including, but not limited to, family law.

7 (iii) The current legal patterns and trends in the mental health
8 professions.

9 (iv) The psychotherapist-patient privilege, confidentiality, the
10 patient dangerous to self or others, and the treatment of minors
11 with and without parental consent.

12 (v) A recognition and exploration of the relationship between
13 a practitioner's sense of self and human values and his or her
14 professional behavior and ethics.

15 (vi) Differences in legal and ethical standards for different types
16 of work settings.

17 (vii) Licensing law and licensing process.

18 (e) The degree described in subdivision (b) shall, in addition to
19 meeting the requirements of subdivision (d), include instruction
20 in case management, systems of care for the severely mentally ill,
21 public and private services and supports available for the severely
22 mentally ill, community resources for persons with mental illness
23 and for victims of abuse, disaster and trauma response, advocacy
24 for the severely mentally ill, and collaborative treatment. This
25 instruction may be provided either in credit level coursework or
26 through extension programs offered by the degree-granting
27 institution.

28 (f) The changes made to law by this section are intended to
29 improve the educational qualifications for licensure in order to
30 better prepare future licentiates for practice, and are not intended
31 to expand or restrict the scope of practice for marriage and family
32 therapists.

33 SEC. 22. Section 4980.397 of the Business and Professions
34 Code is amended to read:

35 4980.397. (a) Effective January 1, 2016, an applicant for
36 licensure as a marriage and family therapist shall pass the following
37 two examinations as prescribed by the board:

38 (1) A California law and ethics examination.

39 (2) A clinical examination.

1 (b) Upon registration with the board, a marriage and family
2 therapist intern shall, within the first year of registration, take an
3 examination on California law and ethics.

4 (c) A registrant may take the clinical examination only upon
5 meeting all of the following requirements:

6 (1) Completion of all required supervised work experience.

7 (2) Completion of all education requirements.

8 (3) Passage of the California law and ethics examination.

9 (d) This section shall become operative on January 1, 2016.

10 SEC. 23. Section 4980.398 of the Business and Professions
11 Code is amended to read:

12 4980.398. (a) Each applicant who had previously taken and
13 passed the standard written examination but had not passed the
14 clinical vignette examination shall also obtain a passing score on
15 the clinical examination in order to be eligible for licensure.

16 (b) An applicant who had previously failed to obtain a passing
17 score on the standard written examination shall obtain a passing
18 score on the California law and ethics examination and the clinical
19 examination.

20 (c) An applicant who had obtained eligibility for the standard
21 written examination shall take the California law and ethics
22 examination and the clinical examination.

23 (d) This section shall become operative on January 1, 2016.

24 SEC. 24. Section 4980.399 of the Business and Professions
25 Code is amended to read:

26 4980.399. (a) Except as provided in subdivision (a) of Section
27 4980.398, each applicant and registrant shall obtain a passing score
28 on a board-administered California law and ethics examination in
29 order to qualify for licensure.

30 (b) A registrant shall participate in a board-administered
31 California law and ethics examination prior to his or her registration
32 renewal.

33 (c) If an applicant fails the California law and ethics
34 examination, he or she may retake the examination, upon payment
35 of the required fees, without further application except as provided
36 in subdivision (d).

37 (d) If a registrant fails to obtain a passing score on the California
38 law and ethics examination described in subdivision (a) within his
39 or her first renewal period on or after the operative date of this
40 section, he or she shall complete, at a minimum, a 12-hour course

1 in California law and ethics in order to be eligible to participate
2 in the California law and ethics examination. Registrants shall only
3 take the 12-hour California law and ethics course once during a
4 renewal period. The 12-hour law and ethics course required by the
5 section shall be taken through a board-approved continuing
6 education provider, a county, state or governmental entity, or a
7 college or university.

8 (e) The board shall not issue a subsequent registration number
9 unless the registrant has passed the California law and ethics
10 examination.

11 (f) This section shall become operative on January 1, 2016.

12 SEC. 25. Section 4980.40 of the Business and Professions
13 Code, as amended by Section 29 of Chapter 799 of the Statutes of
14 2012, is amended to read:

15 4980.40. To qualify for a license, an applicant shall have all
16 of the following qualifications:

17 (a) Meet the educational requirements of Section 4980.36 or
18 both Sections 4980.37 and 4980.41, as applicable.

19 (b) Be at least 18 years of age.

20 (c) Have at least two years of experience that meet the
21 requirements of Section 4980.43.

22 (d) Pass a board administered written or oral examination or
23 both types of examinations, except that an applicant who passed
24 a written examination and who has not taken and passed an oral
25 examination shall instead be required to take and pass a clinical
26 vignette written examination.

27 (e) Not have committed acts or crimes constituting grounds for
28 denial of licensure under Section 480. The board shall not issue a
29 registration or license to any person who has been convicted of a
30 crime in this or another state or in a territory of the United States
31 that involves sexual abuse of children or who is required to register
32 pursuant to Section 290 of the Penal Code or the equivalent in
33 another state or territory.

34 (f) This section shall remain in effect only until January 1, 2016,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2016, deletes or extends that date.

37 SEC. 26. Section 4980.40 of the Business and Professions
38 Code, as amended by Section 30 of Chapter 799 of the Statutes of
39 2012, is amended to read:

1 4980.40. To qualify for a license, an applicant shall have all
2 of the following qualifications:

3 (a) Meet the educational requirements of Section 4980.36 or
4 both Sections 4980.37 and 4980.41, as applicable.

5 (b) Be at least 18 years of age.

6 (c) Have at least two years of experience that meet the
7 requirements of Section 4980.43.

8 (d) Effective January 1, 2016, successfully pass a California
9 law and ethics examination and a clinical examination. An
10 applicant who has successfully passed a previously administered
11 written examination may be subsequently required to take and pass
12 another written examination.

13 (e) Not have committed acts or crimes constituting grounds for
14 denial of licensure under Section 480. The board shall not issue a
15 registration or license to any person who has been convicted of a
16 crime in this or another state or in a territory of the United States
17 that involves sexual abuse of children or who is required to register
18 pursuant to Section 290 of the Penal Code or the equivalent in
19 another state or territory.

20 (f) This section shall become operative on January 1, 2016.

21 SEC. 27. Section 4980.43 of the Business and Professions
22 Code is amended to read:

23 4980.43. (a) Prior to applying for licensure examinations, each
24 applicant shall complete experience that shall comply with the
25 following:

26 (1) A minimum of 3,000 hours completed during a period of at
27 least 104 weeks.

28 (2) Not more than 40 hours in any seven consecutive days.

29 (3) Not less than 1,700 hours of supervised experience
30 completed subsequent to the granting of the qualifying master's
31 or doctoral degree.

32 (4) Not more than 1,300 hours of supervised experience obtained
33 prior to completing a master's or doctoral degree.

34 The applicant shall not be credited with more than 750 hours of
35 counseling and direct supervisor contact prior to completing the
36 master's or doctoral degree.

37 (5) No hours of experience may be gained prior to completing
38 either 12 semester units or 18 quarter units of graduate instruction
39 and becoming a trainee except for personal psychotherapy.

(6) No hours of experience may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(7) Not more than a combined total of 1,000 hours of experience in the following:

(A) Direct supervisor contact.

(B) Professional enrichment activities. For purposes of this chapter, “professional enrichment activities” include the following:

(i) Workshops, seminars, training sessions, or conferences directly related to marriage and family therapy attended by the applicant that are approved by the applicant’s supervisor. An applicant shall have no more than 250 hours of verified attendance at these workshops, seminars, training sessions, or conferences.

(ii) Participation by the applicant in personal psychotherapy, which includes group, marital or conjoint, family, or individual psychotherapy by an appropriately licensed professional. An applicant shall have no more than 100 hours of participation in personal psychotherapy. The applicant shall be credited with three hours of experience for each hour of personal psychotherapy.

(8) Not more than 500 hours of experience providing group therapy or group counseling.

(9) For all hours gained on or after January 1, 2012, not more than 500 hours of experience in the following:

(A) Experience administering and evaluating psychological tests, writing clinical reports, writing progress notes, or writing process notes.

(B) Client centered advocacy.

(10) Not less than 500 total hours of experience in diagnosing and treating couples, families, and children. For up to 150 hours of treating couples and families in conjoint therapy, the applicant shall be credited with two hours of experience for each hour of therapy provided.

(11) Not more than 375 hours of experience providing personal psychotherapy, crisis counseling, or other counseling services via telehealth in accordance with Section 2290.5.

(12) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have

1 physical or mental limitations that restrict their ability to carry out
2 normal activities or protect their rights.

3 This subdivision shall only apply to hours gained on and after
4 January 1, 2010.

5 (b) All applicants, trainees, and registrants shall be at all times
6 under the supervision of a supervisor who shall be responsible for
7 ensuring that the extent, kind, and quality of counseling performed
8 is consistent with the training and experience of the person being
9 supervised, and who shall be responsible to the board for
10 compliance with all laws, rules, and regulations governing the
11 practice of marriage and family therapy. Supervised experience
12 shall be gained by interns and trainees only as an employee or as
13 a volunteer. The requirements of this chapter regarding gaining
14 hours of experience and supervision are applicable equally to
15 employees and volunteers. Experience shall not be gained by
16 interns or trainees for work performed as an independent contractor
17 ~~or reported on an IRS Form 1099.~~

18 (1) If employed, an intern shall provide the board with copies
19 of the corresponding W-2 tax forms for each year of experience
20 claimed upon application for licensure.

21 (2) If volunteering, an intern shall provide the board with a letter
22 from his or her employer verifying the intern's employment as a
23 volunteer upon application for licensure.

24 (c) Except for experience gained pursuant to subparagraph (B)
25 of paragraph (7) of subdivision (a), supervision shall include at
26 least one hour of direct supervisor contact in each week for which
27 experience is credited in each work setting, as specified:

28 (1) A trainee shall receive an average of at least one hour of
29 direct supervisor contact for every five hours of client contact in
30 each setting.

31 (2) An individual supervised after being granted a qualifying
32 degree shall receive at least one additional hour of direct supervisor
33 contact for every week in which more than 10 hours of client
34 contact is gained in each setting. No more than five hours of
35 supervision, whether individual or group, shall be credited during
36 any single week.

37 (3) For purposes of this section, "one hour of direct supervisor
38 contact" means one hour per week of face-to-face contact on an
39 individual basis or two hours per week of face-to-face contact in
40 a group.

1 (4) Direct supervisor contact shall occur within the same week
2 as the hours claimed.

3 (5) Direct supervisor contact provided in a group shall be
4 provided in a group of not more than eight supervisees and in
5 segments lasting no less than one continuous hour.

6 (6) Notwithstanding paragraph (3), an intern working in a
7 governmental entity, a school, a college, or a university, or an
8 institution that is both nonprofit and charitable may obtain the
9 required weekly direct supervisor contact via two-way, real-time
10 videoconferencing. The supervisor shall be responsible for ensuring
11 that client confidentiality is upheld.

12 (7) All experience gained by a trainee shall be monitored by the
13 supervisor as specified by regulation.

14 (d) (1) A trainee may be credited with supervised experience
15 completed in any setting that meets all of the following:

16 (A) Lawfully and regularly provides mental health counseling
17 or psychotherapy.

18 (B) Provides oversight to ensure that the trainee's work at the
19 setting meets the experience and supervision requirements set forth
20 in this chapter and is within the scope of practice for the profession
21 as defined in Section 4980.02.

22 (C) Is not a private practice owned by a licensed marriage and
23 family therapist, a licensed psychologist, a licensed clinical social
24 worker, a licensed physician and surgeon, or a professional
25 corporation of any of those licensed professions.

26 (2) Experience may be gained by the trainee solely as part of
27 the position for which the trainee volunteers or is employed.

28 (e) (1) An intern may be credited with supervised experience
29 completed in any setting that meets both of the following:

30 (A) Lawfully and regularly provides mental health counseling
31 or psychotherapy.

32 (B) Provides oversight to ensure that the intern's work at the
33 setting meets the experience and supervision requirements set forth
34 in this chapter and is within the scope of practice for the profession
35 as defined in Section 4980.02.

36 (2) An applicant shall not be employed or volunteer in a private
37 practice, as defined in subparagraph (C) of paragraph (1) of
38 subdivision (d), until registered as an intern.

1 (3) While an intern may be either a paid employee or a
2 volunteer, employers are encouraged to provide fair remuneration
3 to interns.

4 (4) Except for periods of time during a supervisor's vacation or
5 sick leave, an intern who is employed or volunteering in private
6 practice shall be under the direct supervision of a licensee that has
7 satisfied the requirements of subdivision (g) of Section 4980.03.
8 The supervising licensee shall either be employed by and practice
9 at the same site as the intern's employer, or shall be an owner or
10 shareholder of the private practice. Alternative supervision may
11 be arranged during a supervisor's vacation or sick leave if the
12 supervision meets the requirements of this section.

13 (5) Experience may be gained by the intern solely as part of the
14 position for which the intern volunteers or is employed.

15 (f) Except as provided in subdivision (g), all persons shall
16 register with the board as an intern in order to be credited for
17 postdegree hours of supervised experience gained toward licensure.

18 (g) Except when employed in a private practice setting, all
19 postdegree hours of experience shall be credited toward licensure
20 so long as the applicant applies for the intern registration within
21 90 days of the granting of the qualifying master's or doctoral
22 degree and is thereafter granted the intern registration by the board.

23 (h) Trainees, interns, and applicants shall not receive any
24 remuneration from patients or clients, and shall only be paid by
25 their employers.

26 (i) Trainees, interns, and applicants shall only perform services
27 at the place where their employers regularly conduct business,
28 which may include performing services at other locations, so long
29 as the services are performed under the direction and control of
30 their employer and supervisor, and in compliance with the laws
31 and regulations pertaining to supervision. Trainees and interns
32 shall have no proprietary interest in their employers' businesses
33 and shall not lease or rent space, pay for furnishings, equipment,
34 or supplies, or in any other way pay for the obligations of their
35 employers.

36 (j) Trainees, interns, or applicants who provide volunteered
37 services or other services, and who receive no more than a total,
38 from all work settings, of five hundred dollars (\$500) per month
39 as reimbursement for expenses actually incurred by those trainees,
40 interns, or applicants for services rendered in any lawful work

1 setting other than a private practice shall be considered an
2 employee and not an independent contractor. The board may audit
3 applicants who receive reimbursement for expenses, and the
4 applicants shall have the burden of demonstrating that the payments
5 received were for reimbursement of expenses actually incurred.

6 (k) Each educational institution preparing applicants for
7 licensure pursuant to this chapter shall consider requiring, and
8 shall encourage, its students to undergo individual, marital or
9 conjoint, family, or group counseling or psychotherapy, as
10 appropriate. Each supervisor shall consider, advise, and encourage
11 his or her interns and trainees regarding the advisability of
12 undertaking individual, marital or conjoint, family, or group
13 counseling or psychotherapy, as appropriate. Insofar as it is deemed
14 appropriate and is desired by the applicant, the educational
15 institution and supervisors are encouraged to assist the applicant
16 in locating that counseling or psychotherapy at a reasonable cost.

17 SEC. 28. Section 4980.50 of the Business and Professions
18 Code, as amended by Section 1 of Chapter 800 of the Statutes of
19 2012, is amended to read:

20 4980.50. (a) Every applicant who meets the educational and
21 experience requirements and applies for a license as a marriage
22 and family therapist shall be examined by the board. The
23 examinations shall be as set forth in subdivision (d) of Section
24 4980.40. The examinations shall be given at least twice a year at
25 a time and place and under supervision as the board may determine.
26 The board shall examine the candidate with regard to his or her
27 knowledge and professional skills and his or her judgment in the
28 utilization of appropriate techniques and methods.

29 (b) The board shall not deny any applicant, who has submitted
30 a complete application for examination, admission to the licensure
31 examinations required by this section if the applicant meets the
32 educational and experience requirements of this chapter, and has
33 not committed any acts or engaged in any conduct that would
34 constitute grounds to deny licensure.

35 (c) The board shall not deny any applicant, whose application
36 for licensure is complete, admission to the standard written
37 examination, nor shall the board postpone or delay any applicant's
38 standard written examination or delay informing the candidate of
39 the results of the standard written examination, solely upon the

1 receipt by the board of a complaint alleging acts or conduct that
2 would constitute grounds to deny licensure.

3 (d) If an applicant for examination who has passed the standard
4 written examination is the subject of a complaint or is under board
5 investigation for acts or conduct that, if proven to be true, would
6 constitute grounds for the board to deny licensure, the board shall
7 permit the applicant to take the clinical vignette written
8 examination for licensure, but may withhold the results of the
9 examination or notify the applicant that licensure will not be
10 granted pending completion of the investigation.

11 (e) Notwithstanding Section 135, the board may deny any
12 applicant who has previously failed either the standard written or
13 clinical vignette written examination permission to retake either
14 examination pending completion of the investigation of any
15 complaints against the applicant. Nothing in this section shall
16 prohibit the board from denying an applicant admission to any
17 examination, withholding the results, or refusing to issue a license
18 to any applicant when an accusation or statement of issues has
19 been filed against the applicant pursuant to Sections 11503 and
20 11504 of the Government Code, respectively, or the applicant has
21 been denied in accordance with subdivision (b) of Section 485.

22 (f) Notwithstanding any other provision of law, the board may
23 destroy all examination materials two years following the date of
24 an examination.

25 (g) On or after January 1, 2002, no applicant shall be eligible
26 to participate in a clinical vignette written examination if his or
27 her passing score on the standard written examination occurred
28 more than seven years before.

29 (h) An applicant who has qualified pursuant to this chapter shall
30 be issued a license as a marriage and family therapist in the form
31 that the board may deem appropriate.

32 (i) This section shall remain in effect only until January 1, 2016,
33 and as of that date is repealed, unless a later enacted statute, that
34 is enacted before January 1, 2016, deletes or extends that date.

35 SEC. 29. Section 4980.50 of the Business and Professions
36 Code, as amended by Section 2 of Chapter 800 of the Statutes of
37 2012, is amended to read:

38 4980.50. Effective January 1, 2016, the following shall apply:

39 (a) Every applicant who meets the educational and experience
40 requirements and applies for a license as a marriage and family

1 therapist shall be examined by the board. The examinations shall
2 be as set forth in subdivision (d) of Section 4980.40. The
3 examinations shall be given at least twice a year at a time and place
4 and under supervision as the board may determine. The board shall
5 examine the candidate with regard to his or her knowledge and
6 professional skills and his or her judgment in the utilization of
7 appropriate techniques and methods.

8 (b) The board shall not deny any applicant, who has submitted
9 a complete application for examination, admission to the licensure
10 examinations required by this section if the applicant meets the
11 educational and experience requirements of this chapter, and has
12 not committed any acts or engaged in any conduct that would
13 constitute grounds to deny licensure.

14 (c) The board shall not deny any applicant, whose application
15 for licensure is complete, admission to the clinical examination,
16 nor shall the board postpone or delay any applicant's clinical
17 examination or delay informing the candidate of the results of the
18 clinical examination, solely upon the receipt by the board of a
19 complaint alleging acts or conduct that would constitute grounds
20 to deny licensure.

21 (d) If an applicant for examination who has passed the California
22 law and ethics examination is the subject of a complaint or is under
23 board investigation for acts or conduct that, if proven to be true,
24 would constitute grounds for the board to deny licensure, the board
25 shall permit the applicant to take the clinical examination for
26 licensure, but may withhold the results of the examination or notify
27 the applicant that licensure will not be granted pending completion
28 of the investigation.

29 (e) Notwithstanding Section 135, the board may deny any
30 applicant who has previously failed either the California law and
31 ethics examination or the clinical examination permission to retake
32 either examination pending completion of the investigation of any
33 complaints against the applicant. Nothing in this section shall
34 prohibit the board from denying an applicant admission to any
35 examination, withholding the results, or refusing to issue a license
36 to any applicant when an accusation or statement of issues has
37 been filed against the applicant pursuant to Sections 11503 and
38 11504 of the Government Code, respectively, or the applicant has
39 been denied in accordance with subdivision (b) of Section 485.

1 (f) Notwithstanding any other provision of law, the board may
2 destroy all examination materials two years following the date of
3 an examination.

4 (g) Effective January 1, 2016, no applicant shall be eligible to
5 participate in the clinical examination if he or she fails to obtain
6 a passing score on the clinical examination within seven years
7 from his or her initial attempt, unless he or she takes and obtains
8 a passing score on the current version of the California law and
9 ethics examination.

10 (h) A passing score on the clinical examination shall be accepted
11 by the board for a period of seven years from the date the
12 examination was taken.

13 (i) An applicant who has qualified pursuant to this chapter shall
14 be issued a license as a marriage and family therapist in the form
15 that the board may deem appropriate.

16 (j) This section shall become operative on January 1, 2016.

17 SEC. 30. Section 4980.72 of the Business and Professions
18 Code is amended to read:

19 4980.72. (a) This section applies to persons who are licensed
20 outside of California and apply for licensure on or after January
21 1, 2014.

22 (b) The board may issue a license to a person who, at the time
23 of submitting an application for a license pursuant to this chapter,
24 holds a valid license in good standing issued by a board of marriage
25 counselor examiners, board of marriage and family therapists, or
26 corresponding authority, of any state or country, if all of the
27 following conditions are satisfied:

28 (1) The applicant's education is substantially equivalent, as
29 defined in Section 4980.78. The applicant's degree title need not
30 be identical to that required by Section 4980.36 or 4980.37.

31 (2) The applicant complies with Section 4980.76, if applicable.

32 (3) The applicant's supervised experience is substantially
33 equivalent to that required for a license under this chapter. If the
34 applicant has less than 3,000 hours of qualifying supervised
35 experience, time actively licensed as a marriage and family
36 therapist shall be accepted at a rate of 100 hours per month up to
37 a maximum of 1,200 hours.

38 (4) The applicant passes the California law and ethics
39 examination.

1 (5) The applicant passes a clinical examination designated by
2 the board. An applicant who obtained his or her license or
3 registration under another jurisdiction may apply for licensure with
4 the board without taking the clinical examination if both of the
5 following conditions are met:

6 (A) The applicant obtained a passing score on the licensing
7 examination set forth in regulation as accepted by the board.

8 (B) The applicant's license or registration in that jurisdiction is
9 in good standing at the time of his or her application and has not
10 been revoked, suspended, surrendered, denied, or otherwise
11 restricted or encumbered as a result of any disciplinary proceeding
12 brought by the licensing authority of that jurisdiction.

13 SEC. 31. Section 4984.01 of the Business and Professions
14 Code, as amended by Section 38 of Chapter 799 of the Statutes of
15 2012, is amended to read:

16 4984.01. (a) The marriage and family therapist intern
17 registration shall expire one year from the last day of the month
18 in which it was issued.

19 (b) To renew the registration, the registrant shall, on or before
20 the expiration date of the registration, complete all of the following
21 actions:

22 (1) Apply for renewal on a form prescribed by the board.

23 (2) Pay a renewal fee prescribed by the board.

24 (3) Notify the board whether he or she has been convicted, as
25 defined in Section 490, of a misdemeanor or felony, and whether
26 any disciplinary action has been taken against him or her by a
27 regulatory or licensing board in this or any other state subsequent
28 to the last renewal of the registration.

29 (c) The registration may be renewed a maximum of five times.
30 No registration shall be renewed or reinstated beyond six years
31 from the last day of the month during which it was issued,
32 regardless of whether it has been revoked. When no further
33 renewals are possible, an applicant may apply for and obtain a new
34 intern registration if the applicant meets the educational
35 requirements for registration in effect at the time of the application
36 for a new intern registration. An applicant who is issued a
37 subsequent intern registration pursuant to this subdivision may be
38 employed or volunteer in any allowable work setting except private
39 practice.

1 (d) This section shall remain in effect only until January 1, 2016,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2016, deletes or extends that date.

4 SEC. 32. Section 4984.01 of the Business and Professions
5 Code, as amended by Section 39 of Chapter 799 of the Statutes of
6 2012, is amended to read:

7 4984.01. (a) The marriage and family therapist intern
8 registration shall expire one year from the last day of the month
9 in which it was issued.

10 (b) To renew the registration, the registrant shall, on or before
11 the expiration date of the registration, complete all of the following
12 actions:

13 (1) Apply for renewal on a form prescribed by the board.

14 (2) Pay a renewal fee prescribed by the board.

15 (3) Participate in the California law and ethics examination
16 pursuant to Section 4980.399 each year until successful completion
17 of this examination.

18 (4) Notify the board whether he or she has been convicted, as
19 defined in Section 490, of a misdemeanor or felony, and whether
20 any disciplinary action has been taken against him or her by a
21 regulatory or licensing board in this or any other state subsequent
22 to the last renewal of the registration.

23 (c) The registration may be renewed a maximum of five times.
24 No registration shall be renewed or reinstated beyond six years
25 from the last day of the month during which it was issued,
26 regardless of whether it has been revoked. When no further
27 renewals are possible, an applicant may apply for and obtain a new
28 intern registration if the applicant meets the educational
29 requirements for registration in effect at the time of the application
30 for a new intern registration and has passed the California law and
31 ethics examination described in Section 4980.399. An applicant
32 who is issued a subsequent intern registration pursuant to this
33 subdivision may be employed or volunteer in any allowable work
34 setting except private practice.

35 (d) This section shall become operative on January 1, 2016.

36 SEC. 33. Section 4984.7 of the Business and Professions Code,
37 as amended by Section 41 of Chapter 799 of the Statutes of 2012,
38 is amended to read:

39 4984.7. (a) The board shall assess the following fees relating
40 to the licensure of marriage and family therapists:

1 (1) The application fee for an intern registration shall be
2 seventy-five dollars (\$75).

3 (2) The renewal fee for an intern registration shall be
4 seventy-five dollars (\$75).

5 (3) The fee for the application for examination eligibility shall
6 be one hundred dollars (\$100).

7 (4) The fee for the standard written examination shall be one
8 hundred dollars (\$100). The fee for the clinical vignette
9 examination shall be one hundred dollars (\$100).

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fee.

13 (B) The amount of the examination fees shall be based on the
14 actual cost to the board of developing, purchasing, and grading
15 each examination and the actual cost to the board of administering
16 each examination. The examination fees shall be adjusted
17 periodically by regulation to reflect the actual costs incurred by
18 the board.

19 (5) The fee for rescoring an examination shall be twenty dollars
20 (\$20).

21 (6) The fee for issuance of an initial license shall be a maximum
22 of one hundred eighty dollars (\$180).

23 (7) The fee for license renewal shall be a maximum of one
24 hundred eighty dollars (\$180).

25 (8) The fee for inactive license renewal shall be a maximum of
26 ninety dollars (\$90).

27 (9) The renewal delinquency fee shall be a maximum of ninety
28 dollars (\$90). A person who permits his or her license to expire is
29 subject to the delinquency fee.

30 (10) The fee for issuance of a replacement registration, license,
31 or certificate shall be twenty dollars (\$20).

32 (11) The fee for issuance of a certificate or letter of good
33 standing shall be twenty-five dollars (\$25).

34 (12) The fee for issuance of a retired license shall be forty dollars
35 (\$40).

36 (b) With regard to license, examination, and other fees, the
37 board shall establish fee amounts at or below the maximum
38 amounts specified in this chapter.

1 (c) This section shall remain in effect only until January 1, 2016,
2 and as of that date is repealed, unless a later enacted statute, that
3 is enacted before January 1, 2016, deletes or extends that date.

4 SEC. 34. Section 4984.7 of the Business and Professions Code,
5 as amended by Section 42 of Chapter 799 of the Statutes of 2012,
6 is amended to read:

7 4984.7. (a) The board shall assess the following fees relating
8 to the licensure of marriage and family therapists:

9 (1) The application fee for an intern registration shall be
10 seventy-five dollars (\$75).

11 (2) The renewal fee for an intern registration shall be
12 seventy-five dollars (\$75).

13 (3) The fee for the application for examination eligibility shall
14 be one hundred dollars (\$100).

15 (4) The fee for the clinical examination shall be one hundred
16 dollars (\$100). The fee for the California law and ethics
17 examination shall be one hundred dollars (\$100).

18 (A) An applicant who fails to appear for an examination, after
19 having been scheduled to take the examination, shall forfeit the
20 examination fee.

21 (B) The amount of the examination fees shall be based on the
22 actual cost to the board of developing, purchasing, and grading
23 each examination and the actual cost to the board of administering
24 each examination. The examination fees shall be adjusted
25 periodically by regulation to reflect the actual costs incurred by
26 the board.

27 (5) The fee for rescoring an examination shall be twenty dollars
28 (\$20).

29 (6) The fee for issuance of an initial license shall be a maximum
30 of one hundred eighty dollars (\$180).

31 (7) The fee for license renewal shall be a maximum of one
32 hundred eighty dollars (\$180).

33 (8) The fee for inactive license renewal shall be a maximum of
34 ninety dollars (\$90).

35 (9) The renewal delinquency fee shall be a maximum of ninety
36 dollars (\$90). A person who permits his or her license to expire is
37 subject to the delinquency fee.

38 (10) The fee for issuance of a replacement registration, license,
39 or certificate shall be twenty dollars (\$20).

1 (11) The fee for issuance of a certificate or letter of good
2 standing shall be twenty-five dollars (\$25).

3 (12) The fee for issuance of a retired license shall be forty dollars
4 (\$40).

5 (b) With regard to license, examination, and other fees, the
6 board shall establish fee amounts at or below the maximum
7 amounts specified in this chapter.

8 (c) This section shall become operative on January 1, 2016.

9 SEC. 35. Section 4984.72 of the Business and Professions
10 Code, as amended by Section 43 of Chapter 799 of the Statutes of
11 2012, is amended to read:

12 4984.72. (a) An applicant who fails a standard or clinical
13 vignette written examination may, within one year from the
14 notification date of that failure, retake the examination as regularly
15 scheduled without further application upon payment of the fee for
16 the examination. Thereafter, the applicant shall not be eligible for
17 further examination until he or she files a new application, meets
18 all requirements in effect on the date of application, and pays all
19 required fees.

20 (b) This section shall remain in effect only until January 1, 2016,
21 and as of that date is repealed, unless a later enacted statute, that
22 is enacted before January 1, 2016, deletes or extends that date.

23 SEC. 36. Section 4984.72 of the Business and Professions
24 Code, as amended by Section 44 of Chapter 799 of the Statutes of
25 2012, is amended to read:

26 4984.72. (a) Effective January 1, 2016, an applicant who fails
27 the clinical examination may, within one year from the notification
28 date of that failure, retake the examination as regularly scheduled
29 without further application upon payment of the fee for the
30 examination. Thereafter, the applicant shall not be eligible for
31 further examination until he or she files a new application, meets
32 all requirements in effect on the date of application, and pays all
33 required fees.

34 (b) This section shall become operative on January 1, 2016.

35 SEC. 37. Section 4989.68 of the Business and Professions
36 Code is amended to read:

37 4989.68. (a) The board shall assess the following fees relating
38 to the licensure of educational psychologists:

39 (1) The application fee for examination eligibility shall be one
40 hundred dollars (\$100).

1 (2) The fee for issuance of the initial license shall be a maximum
2 amount of one hundred fifty dollars (\$150).

3 (3) The fee for license renewal shall be a maximum amount of
4 one hundred fifty dollars (\$150).

5 (4) The delinquency fee shall be a maximum amount of
6 seventy-five dollars (\$75). A person who permits his or her license
7 to become delinquent may have it restored only upon payment of
8 all the fees that he or she would have paid if the license had not
9 become delinquent, plus the payment of any and all delinquency
10 fees.

11 (5) The written examination fee shall be one hundred dollars
12 (\$100). An applicant who fails to appear for an examination, once
13 having been scheduled, shall forfeit any examination fees he or
14 she paid.

15 (6) The fee for rescoring a written examination shall be twenty
16 dollars (\$20).

17 (7) The fee for issuance of a replacement registration, license,
18 or certificate shall be twenty dollars (\$20).

19 (8) The fee for issuance of a certificate or letter of good standing
20 shall be twenty-five dollars (\$25).

21 (9) The fee for issuance of a retired license shall be forty dollars
22 (\$40).

23 (b) With regard to all license, examination, and other fees, the
24 board shall establish fee amounts at or below the maximum
25 amounts specified in this chapter.

26 SEC. 38. Section 4992.05 of the Business and Professions
27 Code is amended to read:

28 4992.05. (a) Effective January 1, 2016, an applicant for
29 licensure as a clinical social worker shall pass the following two
30 examinations as prescribed by the board:

31 (1) A California law and ethics examination.

32 (2) A clinical examination.

33 (b) Upon registration with the board, an associate social worker
34 registrant shall, within the first year of registration, take an
35 examination on California law and ethics.

36 (c) A registrant may take the clinical examination only upon
37 meeting all of the following requirements:

38 (1) Completion of all education requirements.

39 (2) Passage of the California law and ethics examination.

40 (3) Completion of all required supervised work experience.

(d) This section shall become operative on January 1, 2016.

SEC. 39. Section 4992.07 of the Business and Professions Code is amended to read:

4992.07. (a) An applicant who had previously taken and passed the standard written examination but had not passed the clinical vignette examination shall also obtain a passing score on the clinical examination in order to be eligible for licensure.

(b) An applicant who had previously failed to obtain a passing score on the standard written examination shall obtain a passing score on the California law and ethics examination and the clinical examination.

(c) An applicant who had obtained eligibility for the standard written examination shall take the California law and ethics examination and the clinical examination.

(d) This section shall become operative on January 1, 2016.

SEC. 40. Section 4992.09 of the Business and Professions Code is amended to read:

4992.09. (a) Except as provided in subdivision (a) of Section 4992.07, an applicant and registrant shall obtain a passing score on a board-administered California law and ethics examination in order to qualify for licensure.

(b) A registrant shall participate in a board-administered California law and ethics examination prior to his or her registration renewal.

(c) If an applicant fails the California law and ethics examination, he or she may retake the examination, upon payment of the required fees, without further application except for as provided in subdivision (d).

(d) If a registrant fails to obtain a passing score on the California law and ethics examination described in subdivision (a) within his or her first renewal period on or after the operative date of this section, he or she shall complete, at a minimum, a 12-hour course in California law and ethics in order to be eligible to participate in the California law and ethics examination. Registrants shall only take the 12-hour California law and ethics course once during a renewal period. The 12-hour law and ethics course required by the section shall be taken through a board-approved continuing education provider, a county, state or governmental entity, or a college or university.

1 (e) The board shall not issue a subsequent registration number
2 unless the registrant has passed the California law and ethics
3 examination.

4 (f) This section shall become operative on January 1, 2016.

5 SEC. 41. Section 4992.1 of the Business and Professions Code,
6 as amended by Section 4 of Chapter 800 of the Statutes of 2012,
7 is amended to read:

8 4992.1. (a) Only individuals who have the qualifications
9 prescribed by the board under this chapter are eligible to take the
10 examination.

11 (b) Every applicant who is issued a clinical social worker license
12 shall be examined by the board.

13 (c) Notwithstanding any other provision of law, the board may
14 destroy all examination materials two years following the date of
15 an examination.

16 (d) The board shall not deny any applicant, whose application
17 for licensure is complete, admission to the standard written
18 examination, nor shall the board postpone or delay any applicant's
19 standard written examination or delay informing the candidate of
20 the results of the standard written examination, solely upon the
21 receipt by the board of a complaint alleging acts or conduct that
22 would constitute grounds to deny licensure.

23 (e) If an applicant for examination who has passed the standard
24 written examination is the subject of a complaint or is under board
25 investigation for acts or conduct that, if proven to be true, would
26 constitute grounds for the board to deny licensure, the board shall
27 permit the applicant to take the clinical vignette written
28 examination for licensure, but may withhold the results of the
29 examination or notify the applicant that licensure will not be
30 granted pending completion of the investigation.

31 (f) Notwithstanding Section 135, the board may deny any
32 applicant who has previously failed either the standard written or
33 clinical vignette written examination permission to retake either
34 examination pending completion of the investigation of any
35 complaint against the applicant. Nothing in this section shall
36 prohibit the board from denying an applicant admission to any
37 examination, withholding the results, or refusing to issue a license
38 to any applicant when an accusation or statement of issues has
39 been filed against the applicant pursuant to Section 11503 or 11504

1 of the Government Code, or the applicant has been denied in
2 accordance with subdivision (b) of Section 485.

3 (g) On or after January 1, 2002, no applicant shall be eligible
4 to participate in a clinical vignette written examination if his or
5 her passing score on the standard written examination occurred
6 more than seven years before.

7 (h) This section shall remain in effect only until January 1, 2016,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2016, deletes or extends that date.

10 SEC. 42. Section 4992.1 of the Business and Professions Code,
11 as amended by Section 5 of Chapter 800 of the Statutes of 2012,
12 is amended to read:

13 4992.1. (a) Only individuals who have the qualifications
14 prescribed by the board under this chapter are eligible to take an
15 examination under this chapter.

16 (b) Every applicant who is issued a clinical social worker license
17 shall be examined by the board.

18 (c) Notwithstanding any other provision of law, the board may
19 destroy all examination materials two years following the date of
20 an examination.

21 (d) The board shall not deny any applicant, whose application
22 for licensure is complete, admission to the clinical examination,
23 nor shall the board postpone or delay any applicant's clinical
24 examination or delay informing the candidate of the results of the
25 clinical examination, solely upon the receipt by the board of a
26 complaint alleging acts or conduct that would constitute grounds
27 to deny licensure.

28 (e) If an applicant for examination who has passed the California
29 law and ethics examination is the subject of a complaint or is under
30 board investigation for acts or conduct that, if proven to be true,
31 would constitute grounds for the board to deny licensure, the board
32 shall permit the applicant to take the clinical examination for
33 licensure, but may withhold the results of the examination or notify
34 the applicant that licensure will not be granted pending completion
35 of the investigation.

36 (f) Notwithstanding Section 135, the board may deny any
37 applicant who has previously failed either the California law and
38 ethics examination or the clinical examination permission to retake
39 either examination pending completion of the investigation of any
40 complaint against the applicant. Nothing in this section shall

1 prohibit the board from denying an applicant admission to any
2 examination, withholding the results, or refusing to issue a license
3 to any applicant when an accusation or statement of issues has
4 been filed against the applicant pursuant to Section 11503 or 11504
5 of the Government Code, or the applicant has been denied in
6 accordance with subdivision (b) of Section 485.

7 (g) Effective January 1, 2016, no applicant shall be eligible to
8 participate in the clinical examination if he or she fails to obtain
9 a passing score on the clinical examination within seven years
10 from his or her initial attempt, unless he or she takes and obtains
11 a passing score on the current version of the California law and
12 ethics examination.

13 (h) A passing score on the clinical examination shall be accepted
14 by the board for a period of seven years from the date the
15 examination was taken.

16 (i) This section shall become operative on January 1, 2016.

17 SEC. 43. Section 4996.1 of the Business and Professions Code,
18 as amended by Section 52 of Chapter 799 of the Statutes of 2012,
19 is amended to read:

20 4996.1. (a) The board shall issue a clinical social worker
21 license to each applicant who qualifies pursuant to this article and
22 successfully passes a board-administered written or oral
23 examination or both examinations. An applicant who has
24 successfully passed a previously administered written examination
25 may be subsequently required to take and pass another written
26 examination.

27 (b) This section shall remain in effect only until January 1, 2016,
28 and as of that date is repealed, unless a later enacted statute, that
29 is enacted before January 1, 2016, deletes or extends that date.

30 SEC. 44. Section 4996.1 of the Business and Professions Code,
31 as amended by Section 53 of Chapter 799 of the Statutes of 2012,
32 is amended to read:

33 4996.1. (a) Effective January 1, 2016, the board shall issue a
34 clinical social worker license to each applicant who qualifies
35 pursuant to this article and who successfully passes a California
36 law and ethics examination and a clinical examination. An
37 applicant who has successfully passed a previously administered
38 written examination may be subsequently required to take and pass
39 another written examination.

40 (b) This section shall become operative on January 1, 2016.

1 SEC. 45. Section 4996.3 of the Business and Professions Code,
2 as amended by Section 54 of Chapter 799 of the Statutes of 2012,
3 is amended to read:

4 4996.3. (a) The board shall assess the following fees relating
5 to the licensure of clinical social workers:

6 (1) The application fee for registration as an associate clinical
7 social worker shall be seventy-five dollars (\$75).

8 (2) The fee for renewal of an associate clinical social worker
9 registration shall be seventy-five dollars (\$75).

10 (3) The fee for application for examination eligibility shall be
11 one hundred dollars (\$100).

12 (4) The fee for the standard written examination shall be a
13 maximum of one hundred fifty dollars (\$150). The fee for the
14 clinical vignette examination shall be one hundred dollars (\$100).

15 (A) An applicant who fails to appear for an examination, after
16 having been scheduled to take the examination, shall forfeit the
17 examination fees.

18 (B) The amount of the examination fees shall be based on the
19 actual cost to the board of developing, purchasing, and grading
20 each examination and the actual cost to the board of administering
21 each examination. The written examination fees shall be adjusted
22 periodically by regulation to reflect the actual costs incurred by
23 the board.

24 (5) The fee for rescoring an examination shall be twenty dollars
25 (\$20).

26 (6) The fee for issuance of an initial license shall be a maximum
27 of one hundred fifty-five dollars (\$155).

28 (7) The fee for license renewal shall be a maximum of one
29 hundred fifty-five dollars (\$155).

30 (8) The fee for inactive license renewal shall be a maximum of
31 seventy-seven dollars and fifty cents (\$77.50).

32 (9) The renewal delinquency fee shall be a maximum of
33 seventy-five dollars (\$75). A person who permits his or her license
34 to expire is subject to the delinquency fee.

35 (10) The fee for issuance of a replacement registration, license,
36 or certificate shall be twenty dollars (\$20).

37 (11) The fee for issuance of a certificate or letter of good
38 standing shall be twenty-five dollars (\$25).

39 (12) The fee for issuance of a retired license shall be forty dollars
40 (\$40).

1 (b) With regard to license, examination, and other fees, the
2 board shall establish fee amounts at or below the maximum
3 amounts specified in this chapter.

4 (c) This section shall remain in effect only until January 1, 2016,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2016, deletes or extends that date.

7 SEC. 46. Section 4996.3 of the Business and Professions Code,
8 as amended by Section 55 of Chapter 799 of the Statutes of 2012,
9 is amended to read:

10 4996.3. (a) The board shall assess the following fees relating
11 to the licensure of clinical social workers:

12 (1) The application fee for registration as an associate clinical
13 social worker shall be seventy-five dollars (\$75).

14 (2) The fee for renewal of an associate clinical social worker
15 registration shall be seventy-five dollars (\$75).

16 (3) The fee for application for examination eligibility shall be
17 one hundred dollars (\$100).

18 (4) The fee for the clinical examination shall be one hundred
19 dollars (\$100). The fee for the California law and ethics
20 examination shall be one hundred dollars (\$100).

21 (A) An applicant who fails to appear for an examination, after
22 having been scheduled to take the examination, shall forfeit the
23 examination fees.

24 (B) The amount of the examination fees shall be based on the
25 actual cost to the board of developing, purchasing, and grading
26 each examination and the actual cost to the board of administering
27 each examination. The written examination fees shall be adjusted
28 periodically by regulation to reflect the actual costs incurred by
29 the board.

30 (5) The fee for rescoring an examination shall be twenty dollars
31 (\$20).

32 (6) The fee for issuance of an initial license shall be a maximum
33 of one hundred fifty-five dollars (\$155).

34 (7) The fee for license renewal shall be a maximum of one
35 hundred fifty-five dollars (\$155).

36 (8) The fee for inactive license renewal shall be a maximum of
37 seventy-seven dollars and fifty cents (\$77.50).

38 (9) The renewal delinquency fee shall be a maximum of
39 seventy-five dollars (\$75). A person who permits his or her license
40 to expire is subject to the delinquency fee.

1 (10) The fee for issuance of a replacement registration, license,
2 or certificate shall be twenty dollars (\$20).

3 (11) The fee for issuance of a certificate or letter of good
4 standing shall be twenty-five dollars (\$25).

5 (12) The fee for issuance of a retired license shall be forty dollars
6 (\$40).

7 (b) With regard to license, examination, and other fees, the
8 board shall establish fee amounts at or below the maximum
9 amounts specified in this chapter.

10 (c) This section shall become operative on January 1, 2016.

11 SEC. 47. Section 4996.4 of the Business and Professions Code,
12 as amended by Section 56 of Chapter 799 of the Statutes of 2012,
13 is amended to read:

14 4996.4. (a) An applicant who fails a standard or clinical
15 vignette written examination may, within one year from the
16 notification date of failure, retake that examination as regularly
17 scheduled, without further application, upon payment of the
18 required examination fees. Thereafter, the applicant shall not be
19 eligible for further examination until he or she files a new
20 application, meets all current requirements, and pays all required
21 fees.

22 (b) This section shall remain in effect only until January 1, 2016,
23 and as of that date is repealed, unless a later enacted statute, that
24 is enacted before January 1, 2016, deletes or extends that date.

25 SEC. 48. Section 4996.4 of the Business and Professions Code,
26 as amended by Section 57 of Chapter 799 of the Statutes of 2012,
27 is amended to read:

28 4996.4. (a) Effective January 1, 2016, an applicant who fails
29 the clinical examination may, within one year from the notification
30 date of failure, retake that examination as regularly scheduled,
31 without further application, upon payment of the required
32 examination fees. Thereafter, the applicant shall not be eligible
33 for further examination until he or she files a new application,
34 meets all current requirements, and pays all required fees.

35 (b) This section shall become operative on January 1, 2016.

36 SEC. 49. Section 4996.9 of the Business and Professions Code
37 is amended to read:

38 4996.9. The practice of clinical social work is defined as a
39 service in which a special knowledge of social resources, human
40 capabilities, and the part that unconscious motivation plays in

1 determining behavior, is directed at helping people to achieve more
2 adequate, satisfying, and productive social adjustments. The
3 application of social work principles and methods includes, but is
4 not restricted to, counseling and using applied psychotherapy of
5 a nonmedical nature with individuals, families, or groups; providing
6 information and referral services; providing or arranging for the
7 provision of social services; explaining or interpreting the
8 psychosocial aspects in the situations of individuals, families, or
9 groups; helping communities to organize, to provide, or to improve
10 social or health services; doing research related to social work;
11 and the use, application, and integration of the coursework and
12 experience required by Sections 4996.2 and 4996.23.

13 Psychotherapy, within the meaning of this chapter, is the use of
14 psychosocial methods within a professional relationship, to assist
15 the person or persons to achieve a better psychosocial adaptation,
16 to acquire greater human realization of psychosocial potential and
17 adaptation, and to modify internal and external conditions which
18 affect individuals, groups, or communities in respect to behavior,
19 emotions, and thinking, in respect to their intrapersonal and
20 interpersonal processes.

21 SEC. 50. Section 4996.17 of the Business and Professions
22 Code is amended to read:

23 4996.17. (a) (1) Experience gained outside of California shall
24 be accepted toward the licensure requirements if it is substantially
25 the equivalent of the requirements of this chapter.

26 (2) Commencing January 1, 2014, an applicant with experience
27 gained outside of California shall complete an 18-hour course in
28 California law and professional ethics. The content of the course
29 shall include, but not be limited to, the following: advertising,
30 scope of practice, scope of competence, treatment of minors,
31 confidentiality, dangerous patients, psychotherapist-patient
32 privilege, recordkeeping, patient access to records, state and federal
33 laws related to confidentiality of patient health information, dual
34 relationships, child abuse, elder and dependent adult abuse, online
35 therapy, insurance reimbursement, civil liability, disciplinary
36 actions and unprofessional conduct, ethics complaints and ethical
37 standards, termination of therapy, standards of care, relevant family
38 law, therapist disclosures to patients, differences in legal and ethical
39 standards in different types of work settings, and licensing law
40 and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

1 (4) The applicant's license is not suspended, revoked, restricted,
2 sanctioned, or voluntarily surrendered in any state.

3 (5) The applicant is not currently under investigation in any
4 other state, and has not been charged with an offense for any act
5 substantially related to the practice of social work by any public
6 agency, entered into any consent agreement or been subject to an
7 administrative decision that contains conditions placed by an
8 agency upon an applicant's professional conduct or practice,
9 including any voluntary surrender of license, or been the subject
10 of an adverse judgment resulting from the practice of social work
11 that the board determines constitutes evidence of a pattern of
12 incompetence or negligence.

13 (6) The applicant shall provide a certification from each state
14 where he or she holds a license pertaining to licensure, disciplinary
15 action, and complaints pending.

16 (7) The applicant is not subject to denial of licensure under
17 Section 480, 4992.3, 4992.35, or 4992.36.

18 (c) The board may issue a license to any person who, at the time
19 of application, holds a valid, active clinical social work license
20 issued by a board of clinical social work examiners or a
21 corresponding authority of any state, if the person has held that
22 license for at least four years immediately preceding the date of
23 application, the person passes, or has passed, the licensing
24 examinations as specified in Section 4996.1, and the person pays
25 the required fees. Issuance of the license is conditioned upon all
26 of the following:

27 (1) Completion of the following coursework or training in or
28 out of state:

29 (A) A minimum of seven contact hours of training or coursework
30 in child abuse assessment and reporting as specified in Section 28,
31 and any regulations promulgated thereunder.

32 (B) A minimum of 10 contact hours of training or coursework
33 in human sexuality as specified in Section 25, and any regulations
34 promulgated thereunder.

35 (C) A minimum of 15 contact hours of training or coursework
36 in alcoholism and other chemical substance dependency, as
37 specified by regulation.

38 (D) A minimum of 15 contact hours of coursework or training
39 in spousal or partner abuse assessment, detection, and intervention
40 strategies.

(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) Commencing January 1, 2016, an applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if the applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

1 SEC. 51. Section 4996.18 of the Business and Professions
2 Code is amended to read:

3 4996.18. (a) A person who wishes to be credited with
4 experience toward licensure requirements shall register with the
5 board as an associate clinical social worker prior to obtaining that
6 experience. The application shall be made on a form prescribed
7 by the board.

8 (b) An applicant for registration shall satisfy the following
9 requirements:

10 (1) Possess a master's degree from an accredited school or
11 department of social work.

12 (2) Have committed no crimes or acts constituting grounds for
13 denial of licensure under Section 480.

14 (3) Commencing January 1, 2014, have completed training or
15 coursework, which may be embedded within more than one course,
16 in California law and professional ethics for clinical social workers,
17 including instruction in all of the following areas of study:

18 (A) Contemporary professional ethics and statutes, regulations,
19 and court decisions that delineate the scope of practice of clinical
20 social work.

21 (B) The therapeutic, clinical, and practical considerations
22 involved in the legal and ethical practice of clinical social work,
23 including, but not limited to, family law.

24 (C) The current legal patterns and trends in the mental health
25 professions.

26 (D) The psychotherapist-patient privilege, confidentiality,
27 dangerous patients, and the treatment of minors with and without
28 parental consent.

29 (E) A recognition and exploration of the relationship between
30 a practitioner's sense of self and human values, and his or her
31 professional behavior and ethics.

32 (F) Differences in legal and ethical standards for different types
33 of work settings.

34 (G) Licensing law and process.

35 (c) An applicant who possesses a master's degree from a school
36 or department of social work that is a candidate for accreditation
37 by the Commission on Accreditation of the Council on Social
38 Work Education shall be eligible, and shall be required, to register
39 as an associate clinical social worker in order to gain experience
40 toward licensure if the applicant has not committed any crimes or

1 acts that constitute grounds for denial of licensure under Section
2 480. That applicant shall not, however, be eligible for examination
3 until the school or department of social work has received
4 accreditation by the Commission on Accreditation of the Council
5 on Social Work Education.

6 (d) All applicants and registrants shall be at all times under the
7 supervision of a supervisor who shall be responsible for ensuring
8 that the extent, kind, and quality of counseling performed is
9 consistent with the training and experience of the person being
10 supervised, and who shall be responsible to the board for
11 compliance with all laws, rules, and regulations governing the
12 practice of clinical social work.

13 (e) Any experience obtained under the supervision of a spouse
14 or relative by blood or marriage shall not be credited toward the
15 required hours of supervised experience. Any experience obtained
16 under the supervision of a supervisor with whom the applicant has
17 a personal relationship that undermines the authority or
18 effectiveness of the supervision shall not be credited toward the
19 required hours of supervised experience.

20 (f) An applicant who possesses a master's degree from an
21 accredited school or department of social work shall be able to
22 apply experience the applicant obtained during the time the
23 accredited school or department was in candidacy status by the
24 Commission on Accreditation of the Council on Social Work
25 Education toward the licensure requirements, if the experience
26 meets the requirements of Section 4996.23. This subdivision shall
27 apply retroactively to persons who possess a master's degree from
28 an accredited school or department of social work and who
29 obtained experience during the time the accredited school or
30 department was in candidacy status by the Commission on
31 Accreditation of the Council on Social Work Education.

32 (g) An applicant for registration or licensure trained in an
33 educational institution outside the United States shall demonstrate
34 to the satisfaction of the board that he or she possesses a master's
35 of social work degree that is equivalent to a master's degree issued
36 from a school or department of social work that is accredited by
37 the Commission on Accreditation of the Council on Social Work
38 Education. These applicants shall provide the board with a
39 comprehensive evaluation of the degree and shall provide any
40 other documentation the board deems necessary. The board has

1 the authority to make the final determination as to whether a degree
2 meets all requirements, including, but not limited to, course
3 requirements regardless of evaluation or accreditation.

4 (h) A registrant shall not provide clinical social work services
5 to the public for a fee, monetary or otherwise, except as an
6 employee.

7 (i) A registrant shall inform each client or patient prior to
8 performing any professional services that he or she is unlicensed
9 and is under the supervision of a licensed professional.

10 ~~SEC. 52. Section 4996.23 of the Business and Professions~~
11 ~~Code is amended to read:~~

12 ~~4996.23. The experience required by subdivision (c) of Section~~
13 ~~4996.2 shall meet the following criteria:~~

14 ~~(a) All persons registered with the board on and after January~~
15 ~~1, 2002, shall have at least 3,200 hours of post-master's degree~~
16 ~~supervised experience providing clinical social work services as~~
17 ~~permitted by Section 4996.9. At least 1,700 hours shall be gained~~
18 ~~under the supervision of a licensed clinical social worker. The~~
19 ~~remaining required supervised experience may be gained under~~
20 ~~the supervision of a licensed mental health professional acceptable~~
21 ~~to the board as defined by a regulation adopted by the board. This~~
22 ~~experience shall consist of the following:~~

23 ~~(1) A minimum of 2,000 hours in clinical psychosocial~~
24 ~~diagnosis, assessment, and treatment, including psychotherapy or~~
25 ~~counseling.~~

26 ~~(2) A maximum of 1,200 hours in client centered advocacy,~~
27 ~~consultation, evaluation, and research.~~

28 ~~(3) Of the 2,000 clinical hours required in paragraph (1), no less~~
29 ~~than 750 hours shall be face-to-face individual or group~~
30 ~~psychotherapy provided to clients in the context of clinical social~~
31 ~~work services.~~

32 ~~(4) A minimum of two years of supervised experience is required~~
33 ~~to be obtained over a period of not less than 104 weeks and shall~~
34 ~~have been gained within the six years immediately preceding the~~
35 ~~date on which the application for licensure was filed.~~

36 ~~(5) Experience shall not be credited for more than 40 hours in~~
37 ~~any week.~~

38 ~~(b) "Supervision" means responsibility for, and control of, the~~
39 ~~quality of clinical social work services being provided.~~

1 Consultation or peer discussion shall not be considered to be
2 supervision.

3 (e) (1) Prior to the commencement of supervision, a supervisor
4 shall comply with all requirements enumerated in Section 1870 of
5 Title 16 of the California Code of Regulations and shall sign under
6 penalty of perjury the “Responsibility Statement for Supervisors
7 of an Associate Clinical Social Worker” form.

8 (2) Supervised experience shall include at least one hour of
9 direct supervisor contact for a minimum of 104 weeks. For
10 purposes of this subdivision, “one hour of direct supervisor contact”
11 means one hour per week of face-to-face contact on an individual
12 basis or two hours of face-to-face contact in a group conducted
13 within the same week as the hours claimed.

14 (3) An associate shall receive at least one additional hour of
15 direct supervisor contact for every week in which more than 10
16 hours of face-to-face psychotherapy is performed in each setting
17 in which experience is gained. No more than five hours of
18 supervision, whether individual or group, shall be credited during
19 any single week.

20 (4) Group supervision shall be provided in a group of not more
21 than eight supervisees and shall be provided in segments lasting
22 no less than one continuous hour.

23 (5) Of the 104 weeks of required supervision, 52 weeks shall
24 be individual supervision, and of the 52 weeks of required
25 individual supervision, not less than 13 weeks shall be supervised
26 by a licensed clinical social worker.

27 (6) Notwithstanding paragraph (2), an associate clinical social
28 worker working for a governmental entity, school, college, or
29 university, or an institution that is both a nonprofit and charitable
30 institution, may obtain the required weekly direct supervisor
31 contact via live two-way videoconferencing. The supervisor shall
32 be responsible for ensuring that client confidentiality is preserved.

33 (d) The supervisor and the associate shall develop a supervisory
34 plan that describes the goals and objectives of supervision. These
35 goals shall include the ongoing assessment of strengths and
36 limitations and the assurance of practice in accordance with the
37 laws and regulations. The associate shall submit to the board the
38 initial original supervisory plan upon application for licensure.

39 (e) Experience shall only be gained in a setting that meets both
40 of the following:

1 ~~(1) Lawfully and regularly provides clinical social work, mental~~
2 ~~health counseling, or psychotherapy.~~

3 ~~(2) Provides oversight to ensure that the associate's work at the~~
4 ~~setting meets the experience and supervision requirements set forth~~
5 ~~in this chapter and is within the scope of practice for the profession~~
6 ~~as defined in Section 4996.9.~~

7 ~~(f) Experience shall not be gained until the applicant has been~~
8 ~~registered as an associate clinical social worker.~~

9 ~~(g) Employment in a private practice as defined in subdivision~~
10 ~~(h) shall not commence until the applicant has been registered as~~
11 ~~an associate clinical social worker.~~

12 ~~(h) A private practice setting is a setting that is owned by a~~
13 ~~licensed clinical social worker, a licensed marriage and family~~
14 ~~therapist, a licensed psychologist, a licensed physician and surgeon,~~
15 ~~or a professional corporation of any of those licensed professions.~~

16 ~~(i) Experience shall not be gained by an associate for work~~
17 ~~performed as an independent contractor or reported on an IRS~~
18 ~~Form 1099.~~

19 ~~(j) If volunteering, the associate shall provide the board with a~~
20 ~~letter from his or her employer verifying his or her voluntary status~~
21 ~~upon application for licensure.~~

22 ~~(k) If employed, the associate shall provide the board with copies~~
23 ~~of his or her W-2 tax forms for each year of experience claimed~~
24 ~~upon application for licensure.~~

25 ~~(l) While an associate may be either a paid employee or~~
26 ~~volunteer, employers are encouraged to provide fair remuneration~~
27 ~~to associates.~~

28 ~~(m) An associate shall not do the following:~~

29 ~~(1) Receive any remuneration from patients or clients and shall~~
30 ~~only be paid by his or her employer.~~

31 ~~(2) Have any proprietary interest in the employer's business.~~

32 ~~(3) Lease or rent space, pay for furnishings, equipment, or~~
33 ~~supplies, or in any other way pay for the obligations of his or her~~
34 ~~employer.~~

35 ~~(n) An associate, whether employed or volunteering, may obtain~~
36 ~~supervision from a person not employed by the associate's~~
37 ~~employer if that person has signed a written agreement with the~~
38 ~~employer to take supervisory responsibility for the associate's~~
39 ~~social work services.~~

1 ~~(e) Notwithstanding any other provision of law, associates and~~
2 ~~applicants for examination shall receive a minimum of one hour~~
3 ~~of supervision per week for each setting in which he or she is~~
4 ~~working.~~

5 ~~SEC. 53.~~

6 *SEC. 52.* Section 4996.28 of the Business and Professions Code
7 is amended to read:

8 4996.28. (a) Registration as an associate clinical social worker
9 shall expire one year from the last day of the month during which
10 it was issued. To renew a registration, the registrant shall, on or
11 before the expiration date of the registration, complete all of the
12 following actions:

13 (1) Apply for renewal on a form prescribed by the board.

14 (2) Pay a renewal fee prescribed by the board.

15 (3) Notify the board whether he or she has been convicted, as
16 defined in Section 490, of a misdemeanor or felony, and whether
17 any disciplinary action has been taken by a regulatory or licensing
18 board in this or any other state, subsequent to the last renewal of
19 the registration.

20 (4) On and after January 1, 2016, obtain a passing score on the
21 California law and ethics examination pursuant to Section 4992.09.

22 (b) A registration as an associate clinical social worker may be
23 renewed a maximum of five times. When no further renewals are
24 possible, an applicant may apply for and obtain a new associate
25 clinical social worker registration if the applicant meets all
26 requirements for registration in effect at the time of his or her
27 application for a new associate clinical social worker registration.
28 An applicant issued a subsequent associate registration pursuant
29 to this subdivision may be employed or volunteer in any allowable
30 work setting except private practice.

31 ~~SEC. 54.~~

32 *SEC. 53.* Section 4999.20 of the Business and Professions Code
33 is amended to read:

34 4999.20. (a) (1) “Professional clinical counseling” means the
35 application of counseling interventions and psychotherapeutic
36 techniques to identify and remediate cognitive, mental, and
37 emotional issues, including personal growth, adjustment to
38 disability, crisis intervention, and psychosocial and environmental
39 problems, and the use, application, and integration of the
40 coursework and training required by Sections 4999.32 and 4999.33.

1 “Professional clinical counseling” includes conducting assessments
2 for the purpose of establishing counseling goals and objectives to
3 empower individuals to deal adequately with life situations, reduce
4 stress, experience growth, change behavior, and make
5 well-informed, rational decisions.

6 (2) “Professional clinical counseling” is focused exclusively on
7 the application of counseling interventions and psychotherapeutic
8 techniques for the purposes of improving mental health, and is not
9 intended to capture other, nonclinical forms of counseling for the
10 purposes of licensure. For purposes of this paragraph, “nonclinical”
11 means nonmental health.

12 (3) “Professional clinical counseling” does not include the
13 assessment or treatment of couples or families unless the
14 professional clinical counselor has completed all of the following
15 additional training and education, beyond the minimum training
16 and education required for licensure:

17 (A) One of the following:

18 (i) Six semester units or nine quarter units specifically focused
19 on the theory and application of marriage and family therapy.

20 (ii) A named specialization or emphasis area on the qualifying
21 degree in marriage and family therapy; marital and family therapy;
22 marriage, family, and child counseling; or couple and family
23 therapy.

24 (B) No less than 500 hours of documented supervised experience
25 working directly with couples, families, or children.

26 (C) A minimum of six hours of continuing education specific
27 to marriage and family therapy, completed in each license renewal
28 cycle.

29 (4) “Professional clinical counseling” does not include the
30 provision of clinical social work services.

31 (b) “Counseling interventions and psychotherapeutic techniques”
32 means the application of cognitive, affective, verbal or nonverbal,
33 systemic or holistic counseling strategies that include principles
34 of development, wellness, and maladjustment that reflect a
35 pluralistic society. These interventions and techniques are
36 specifically implemented in the context of a professional clinical
37 counseling relationship and use a variety of counseling theories
38 and approaches.

39 (c) “Assessment” means selecting, administering, scoring, and
40 interpreting tests, instruments, and other tools and methods

1 designed to measure an individual's attitudes, abilities, aptitudes,
2 achievements, interests, personal characteristics, disabilities, and
3 mental, emotional, and behavioral concerns and development and
4 the use of methods and techniques for understanding human
5 behavior in relation to coping with, adapting to, or ameliorating
6 changing life situations, as part of the counseling process.
7 "Assessment" shall not include the use of projective techniques
8 in the assessment of personality, individually administered
9 intelligence tests, neuropsychological testing, or utilization of a
10 battery of three or more tests to determine the presence of
11 psychosis, dementia, amnesia, cognitive impairment, or criminal
12 behavior.

13 (d) Professional clinical counselors shall refer clients to other
14 licensed health care professionals when they identify issues beyond
15 their own scope of education, training, and experience.

16 ~~SEC. 55.~~

17 *SEC. 54.* Section 4999.33 of the Business and Professions Code
18 is amended to read:

19 4999.33. (a) This section shall apply to the following:

20 (1) Applicants for examination eligibility or registration who
21 begin graduate study before August 1, 2012, and do not complete
22 that study on or before December 31, 2018.

23 (2) Applicants for examination eligibility or registration who
24 begin graduate study before August 1, 2012, and who graduate
25 from a degree program that meets the requirements of this section.

26 (3) Applicants for examination eligibility or registration who
27 begin graduate study on or after August 1, 2012.

28 (b) To qualify for examination eligibility or registration,
29 applicants shall possess a master's or doctoral degree that is
30 counseling or psychotherapy in content and that meets the
31 requirements of this section, obtained from an accredited or
32 approved institution, as defined in Section 4999.12. For purposes
33 of this subdivision, a degree is "counseling or psychotherapy in
34 content" if it contains the supervised practicum or field study
35 experience described in paragraph (3) of subdivision (c) and, except
36 as provided in subdivision (f), the coursework in the core content
37 areas listed in subparagraphs (A) to (M), inclusive, of paragraph
38 (1) of subdivision (c).

39 (c) The degree described in subdivision (b) shall contain not
40 less than 60 graduate semester or 90 graduate quarter units of

1 instruction, which shall, except as provided in subdivision (f),
2 include all of the following:

3 (1) The equivalent of at least three semester units or four and
4 one-half quarter units of graduate study in all of the following core
5 content areas:

6 (A) Counseling and psychotherapeutic theories and techniques,
7 including the counseling process in a multicultural society, an
8 orientation to wellness and prevention, counseling theories to assist
9 in selection of appropriate counseling interventions, models of
10 counseling consistent with current professional research and
11 practice, development of a personal model of counseling, and
12 multidisciplinary responses to crises, emergencies, and disasters.

13 (B) Human growth and development across the lifespan,
14 including normal and abnormal behavior and an understanding of
15 developmental crises, disability, psychopathology, and situational
16 and environmental factors that affect both normal and abnormal
17 behavior.

18 (C) Career development theories and techniques, including
19 career development decisionmaking models and interrelationships
20 among and between work, family, and other life roles and factors,
21 including the role of multicultural issues in career development.

22 (D) Group counseling theories and techniques, including
23 principles of group dynamics, group process components, group
24 developmental stage theories, therapeutic factors of group work,
25 group leadership styles and approaches, pertinent research and
26 literature, group counseling methods, and evaluation of
27 effectiveness.

28 (E) Assessment, appraisal, and testing of individuals, including
29 basic concepts of standardized and nonstandardized testing and
30 other assessment techniques, norm-referenced and
31 criterion-referenced assessment, statistical concepts, social and
32 cultural factors related to assessment and evaluation of individuals
33 and groups, and ethical strategies for selecting, administering, and
34 interpreting assessment instruments and techniques in counseling.

35 (F) Multicultural counseling theories and techniques, including
36 counselors' roles in developing cultural self-awareness, identity
37 development, promoting cultural social justice, individual and
38 community strategies for working with and advocating for diverse
39 populations, and counselors' roles in eliminating biases and

1 prejudices, and processes of intentional and unintentional
2 oppression and discrimination.

3 (G) Principles of the diagnostic process, including differential
4 diagnosis, and the use of current diagnostic tools, such as the
5 current edition of the Diagnostic and Statistical Manual, the impact
6 of co-occurring substance use disorders or medical psychological
7 disorders, established diagnostic criteria for mental or emotional
8 disorders, and the treatment modalities and placement criteria
9 within the continuum of care.

10 (H) Research and evaluation, including studies that provide an
11 understanding of research methods, statistical analysis, the use of
12 research to inform evidence-based practice, the importance of
13 research in advancing the profession of counseling, and statistical
14 methods used in conducting research, needs assessment, and
15 program evaluation.

16 (I) Professional orientation, ethics, and law in counseling,
17 including California law and professional ethics for professional
18 clinical counselors, professional ethical standards and legal
19 considerations, licensing law and process, regulatory laws that
20 delineate the profession's scope of practice, counselor-client
21 privilege, confidentiality, the client dangerous to self or others,
22 treatment of minors with or without parental consent, relationship
23 between practitioner's sense of self and human values, functions
24 and relationships with other human service providers, strategies
25 for collaboration, and advocacy processes needed to address
26 institutional and social barriers that impede access, equity, and
27 success for clients.

28 (J) Psychopharmacology, including the biological bases of
29 behavior, basic classifications, indications, and contraindications
30 of commonly prescribed psychopharmacological medications so
31 that appropriate referrals can be made for medication evaluations
32 and so that the side effects of those medications can be identified.

33 (K) Addictions counseling, including substance abuse,
34 co-occurring disorders, and addiction, major approaches to
35 identification, evaluation, treatment, and prevention of substance
36 abuse and addiction, legal and medical aspects of substance abuse,
37 populations at risk, the role of support persons, support systems,
38 and community resources.

39 (L) Crisis or trauma counseling, including crisis theory;
40 multidisciplinary responses to crises, emergencies, or disasters;

1 cognitive, affective, behavioral, and neurological effects associated
2 with trauma; brief, intermediate, and long-term approaches; and
3 assessment strategies for clients in crisis and principles of
4 intervention for individuals with mental or emotional disorders
5 during times of crisis, emergency, or disaster.

6 (M) Advanced counseling and psychotherapeutic theories and
7 techniques, including the application of counseling constructs,
8 assessment and treatment planning, clinical interventions,
9 therapeutic relationships, psychopathology, or other clinical topics.

10 (2) In addition to the course requirements described in paragraph
11 (1), 15 semester units or 22.5 quarter units of advanced coursework
12 to develop knowledge of specific treatment issues or special
13 populations.

14 (3) Not less than six semester units or nine quarter units of
15 supervised practicum or field study experience, or the equivalent,
16 in a clinical setting that provides a range of professional clinical
17 counseling experience, including the following:

18 (A) Applied psychotherapeutic techniques.

19 (B) Assessment.

20 (C) Diagnosis.

21 (D) Prognosis.

22 (E) Treatment.

23 (F) Issues of development, adjustment, and maladjustment.

24 (G) Health and wellness promotion.

25 (H) Professional writing including documentation of services,
26 treatment plans, and progress notes.

27 (I) How to find and use resources.

28 (J) Other recognized counseling interventions.

29 (K) A minimum of 280 hours of face-to-face supervised clinical
30 experience counseling individuals, families, or groups.

31 (d) The 60 graduate semester units or 90 graduate quarter units
32 of instruction required pursuant to subdivision (c) shall, in addition
33 to meeting the requirements of subdivision (c), include instruction
34 in all of the following:

35 (1) The understanding of human behavior within the social
36 context of socioeconomic status and other contextual issues
37 affecting social position.

38 (2) The understanding of human behavior within the social
39 context of a representative variety of the cultures found within
40 California.

1 (3) Cultural competency and sensitivity, including a familiarity
2 with the racial, cultural, linguistic, and ethnic backgrounds of
3 persons living in California.

4 (4) An understanding of the effects of socioeconomic status on
5 treatment and available resources.

6 (5) Multicultural development and cross-cultural interaction,
7 including experiences of race, ethnicity, class, spirituality, sexual
8 orientation, gender, and disability and their incorporation into the
9 psychotherapeutic process.

10 (6) Case management, systems of care for the severely mentally
11 ill, public and private services for the severely mentally ill,
12 community resources for victims of abuse, disaster and trauma
13 response, advocacy for the severely mentally ill, and collaborative
14 treatment. The instruction required in this paragraph may be
15 provided either in credit level coursework or through extension
16 programs offered by the degree-granting institution.

17 (7) Human sexuality, including the study of the physiological,
18 psychological, and social cultural variables associated with sexual
19 behavior, gender identity, and the assessment and treatment of
20 psychosexual dysfunction.

21 (8) Spousal or partner abuse assessment, detection, intervention
22 strategies, and same gender abuse dynamics.

23 (9) A minimum of seven contact hours of training or coursework
24 in child abuse assessment and reporting, as specified in Section
25 28, and any regulations promulgated thereunder.

26 (10) Aging and long-term care, including biological, social,
27 cognitive, and psychological aspects of aging. This coursework
28 shall include instruction on the assessment and reporting of, as
29 well as treatment related to, elder and dependent adult abuse and
30 neglect.

31 (e) A degree program that qualifies for licensure under this
32 section shall do all of the following:

33 (1) Integrate the principles of mental health recovery-oriented
34 care and methods of service delivery in recovery-oriented practice
35 environments.

36 (2) Integrate an understanding of various cultures and the social
37 and psychological implications of socioeconomic position.

38 (3) Provide the opportunity for students to meet with various
39 consumers and family members of consumers of mental health

1 services to enhance understanding of their experience of mental
2 illness, treatment, and recovery.

3 (f) (1) An applicant whose degree is deficient in no more than
4 three of the required areas of study listed in subparagraphs (A) to
5 (M), inclusive, of paragraph (1) of subdivision (c) may satisfy
6 those deficiencies by successfully completing post-master's or
7 postdoctoral degree coursework at an accredited or approved
8 institution, as defined in Section 4999.12.

9 (2) Coursework taken to meet deficiencies in the required areas
10 of study listed in subparagraphs (A) to (M), inclusive, of paragraph
11 (1) of subdivision (c) shall be the equivalent of three semester units
12 or four and one-half quarter units of study.

13 (3) The board shall make the final determination as to whether
14 a degree meets all requirements, including, but not limited to,
15 course requirements, regardless of accreditation.

16 ~~SEC. 56.~~

17 *SEC. 55.* Section 4999.45 of the Business and Professions
18 Code, as amended by Section 62 of Chapter 799 of the Statutes of
19 2012, is amended to read:

20 4999.45. An intern employed under this chapter shall:

21 (a) Not perform any duties, except for those services provided
22 as a clinical counselor trainee, until registered as an intern.

23 (b) Not be employed or volunteer in a private practice until
24 registered as an intern.

25 (c) Inform each client prior to performing any professional
26 services that he or she is unlicensed and under supervision.

27 (d) Renew annually for a maximum of five years after initial
28 registration with the board.

29 (e) When no further renewals are possible, an applicant may
30 apply for and obtain a new intern registration if the applicant meets
31 the educational requirements for registration in effect at the time
32 of the application for a new intern registration. An applicant issued
33 a subsequent intern registration pursuant to this subdivision may
34 be employed or volunteer in any allowable work setting except
35 private practice.

36 (f) This section shall remain in effect only until January 1, 2016,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2016, deletes or extends that date.

1 ~~SEC. 57.~~

2 *SEC. 56.* Section 4999.45 of the Business and Professions
3 Code, as amended by Section 63 of Chapter 799 of the Statutes of
4 2012, is amended to read:

5 4999.45. (a) An intern employed under this chapter shall:

6 (1) Not perform any duties, except for those services provided
7 as a clinical counselor trainee, until registered as an intern.

8 (2) Not be employed or volunteer in a private practice until
9 registered as an intern.

10 (3) Inform each client prior to performing any professional
11 services that he or she is unlicensed and under supervision.

12 (4) Renew annually for a maximum of five years after initial
13 registration with the board.

14 (b) When no further renewals are possible, an applicant may
15 apply for and obtain a new intern registration if the applicant meets
16 the educational requirements for registration in effect at the time
17 of the application for a new intern registration and has passed the
18 California law and ethics examination described in Section
19 4999.53. An applicant issued a subsequent intern registration
20 pursuant to this subdivision may be employed or volunteer in any
21 allowable work setting except private practice.

22 (c) This section shall become operative on January 1, 2016.

23 ~~SEC. 58.~~

24 *SEC. 57.* Section 4999.46 of the Business and Professions
25 Code, as amended by Section 64 of Chapter 799 of the Statutes of
26 2012, is amended to read:

27 4999.46. (a) To qualify for the licensure examinations specified
28 in subdivision (c) of Section 4999.52, applicants shall complete
29 clinical mental health experience under the general supervision of
30 an approved supervisor as defined in Section 4999.12.

31 (b) The experience shall include a minimum of 3,000 postdegree
32 hours of supervised clinical mental health experience related to
33 the practice of professional clinical counseling, performed over a
34 period of not less than two years (104 weeks), which shall include:

35 (1) Not more than 40 hours in any seven consecutive days.

36 (2) Not less than 1,750 hours of direct counseling with
37 individuals or groups in a setting described in Section 4999.44
38 using a variety of psychotherapeutic techniques and recognized
39 counseling interventions within the scope of practice of licensed
40 professional clinical counselors.

1 (3) Not more than 500 hours of experience providing group
2 therapy or group counseling.

3 (4) Not more than 375 hours of experience providing personal
4 psychotherapy, crisis counseling, or other counseling services via
5 telehealth in accordance with Section 2290.5.

6 (5) Not less than 150 hours of clinical experience in a hospital
7 or community mental health setting, as defined in Section 1820 of
8 Title 16 of the California Code of Regulations.

9 (6) Not more than a combined total of 1,250 hours of experience
10 in the following related activities:

11 (A) Direct supervisor contact.

12 (B) Client centered advocacy.

13 (C) Not more than 250 hours of experience administering tests
14 and evaluating psychological tests of clients, writing clinical
15 reports, writing progress notes, or writing process notes.

16 (D) Not more than 250 hours of verified attendance at
17 workshops, seminars, training sessions, or conferences directly
18 related to professional clinical counseling that are approved by the
19 applicant's supervisor.

20 (c) No hours of clinical mental health experience may be gained
21 more than six years prior to the date the application for examination
22 eligibility was filed.

23 (d) An applicant shall register with the board as an intern in
24 order to be credited for postdegree hours of experience toward
25 licensure. Postdegree hours of experience shall be credited toward
26 licensure, provided that the applicant applies for intern registration
27 within 90 days of the granting of the qualifying degree and is
28 registered as an intern by the board.

29 (e) All applicants and interns shall be at all times under the
30 supervision of a supervisor who shall be responsible for ensuring
31 that the extent, kind, and quality of counseling performed is
32 consistent with the training and experience of the person being
33 supervised, and who shall be responsible to the board for
34 compliance with all laws, rules, and regulations governing the
35 practice of professional clinical counseling.

36 (f) Experience obtained under the supervision of a spouse or
37 relative by blood or marriage shall not be credited toward the
38 required hours of supervised experience. Experience obtained
39 under the supervision of a supervisor with whom the applicant has
40 had or currently has a personal, professional, or business

1 relationship that undermines the authority or effectiveness of the
2 supervision shall not be credited toward the required hours of
3 supervised experience.

4 (g) Except for experience gained pursuant to subparagraph (D)
5 of paragraph (6) of subdivision (b), supervision shall include at
6 least one hour of direct supervisor contact in each week for which
7 experience is credited in each work setting.

8 (1) No more than five hours of supervision, whether individual
9 or group, shall be credited during any single week.

10 (2) An intern shall receive at least one additional hour of direct
11 supervisor contact for every week in which more than 10 hours of
12 face-to-face psychotherapy is performed in each setting in which
13 experience is gained.

14 (3) For purposes of this section, “one hour of direct supervisor
15 contact” means one hour of face-to-face contact on an individual
16 basis or two hours of face-to-face contact in a group of not more
17 than eight persons in segments lasting no less than one continuous
18 hour.

19 (4) Notwithstanding paragraph (3), an intern working in a
20 governmental entity, a school, a college, or a university, or an
21 institution that is both nonprofit and charitable, may obtain the
22 required weekly direct supervisor contact via two-way, real-time
23 videoconferencing. The supervisor shall be responsible for ensuring
24 that client confidentiality is upheld.

25 (h) This section shall remain in effect only until January 1, 2016,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before January 1, 2016, deletes or extends that date.

28 ~~SEC. 59.~~

29 *SEC. 58.* Section 4999.46 of the Business and Professions
30 Code, as amended by Section 65 of Chapter 799 of the Statutes of
31 2012, is amended to read:

32 4999.46. (a) To qualify for the licensure examination specified
33 by paragraph (2) of subdivision (a) of Section 4999.53, applicants
34 shall complete clinical mental health experience under the general
35 supervision of an approved supervisor as defined in Section
36 4999.12.

37 (b) The experience shall include a minimum of 3,000 postdegree
38 hours of supervised clinical mental health experience related to
39 the practice of professional clinical counseling, performed over a
40 period of not less than two years (104 weeks), which shall include:

1 (1) Not more than 40 hours in any seven consecutive days.

2 (2) Not less than 1,750 hours of direct counseling with
3 individuals or groups in a setting described in Section 4999.44
4 using a variety of psychotherapeutic techniques and recognized
5 counseling interventions within the scope of practice of licensed
6 professional clinical counselors.

7 (3) Not more than 500 hours of experience providing group
8 therapy or group counseling.

9 (4) Not more than 375 hours of experience providing personal
10 psychotherapy, crisis counseling, or other counseling services via
11 telehealth in accordance with Section 2290.5.

12 (5) Not less than 150 hours of clinical experience in a hospital
13 or community mental health setting, as defined in Section 1820 of
14 Title 16 of the California Code of Regulations.

15 (6) Not more than a combined total of 1,250 hours of experience
16 in the following related activities:

17 (A) Direct supervisor contact.

18 (B) Client centered advocacy.

19 (C) Not more than 250 hours of experience administering tests
20 and evaluating psychological tests of clients, writing clinical
21 reports, writing progress notes, or writing process notes.

22 (D) Not more than 250 hours of verified attendance at
23 workshops, seminars, training sessions, or conferences directly
24 related to professional clinical counseling that are approved by the
25 applicant's supervisor.

26 (c) No hours of clinical mental health experience may be gained
27 more than six years prior to the date the application for examination
28 eligibility was filed.

29 (d) An applicant shall register with the board as an intern in
30 order to be credited for postdegree hours of experience toward
31 licensure. Postdegree hours of experience shall be credited toward
32 licensure, provided that the applicant applies for intern registration
33 within 90 days of the granting of the qualifying degree and is
34 registered as an intern by the board.

35 (e) All applicants and interns shall be at all times under the
36 supervision of a supervisor who shall be responsible for ensuring
37 that the extent, kind, and quality of counseling performed is
38 consistent with the training and experience of the person being
39 supervised, and who shall be responsible to the board for

1 compliance with all laws, rules, and regulations governing the
2 practice of professional clinical counseling.

3 (f) Experience obtained under the supervision of a spouse or
4 relative by blood or marriage shall not be credited toward the
5 required hours of supervised experience. Experience obtained
6 under the supervision of a supervisor with whom the applicant has
7 had or currently has a personal, professional, or business
8 relationship that undermines the authority or effectiveness of the
9 supervision shall not be credited toward the required hours of
10 supervised experience.

11 (g) Except for experience gained pursuant to subparagraph (D)
12 of paragraph (6) of subdivision (b), supervision shall include at
13 least one hour of direct supervisor contact in each week for which
14 experience is credited in each work setting.

15 (1) No more than five hours of supervision, whether individual
16 or group, shall be credited during any single week.

17 (2) An intern shall receive at least one additional hour of direct
18 supervisor contact for every week in which more than 10 hours of
19 face-to-face psychotherapy is performed in each setting in which
20 experience is gained.

21 (3) For purposes of this section, “one hour of direct supervisor
22 contact” means one hour of face-to-face contact on an individual
23 basis or two hours of face-to-face contact in a group of not more
24 than eight persons in segments lasting no less than one continuous
25 hour.

26 (4) Notwithstanding paragraph (3), an intern working in a
27 governmental entity, a school, a college, or a university, or an
28 institution that is both nonprofit and charitable, may obtain the
29 required weekly direct supervisor contact via two-way, real-time
30 videoconferencing. The supervisor shall be responsible for ensuring
31 that client confidentiality is upheld.

32 (h) This section shall become operative on January 1, 2016.

33 ~~SEC. 60.~~

34 *SEC. 59.* Section 4999.47 of the Business and Professions Code
35 is amended to read:

36 4999.47. (a) Clinical counselor trainees, interns, and applicants
37 shall perform services only as an employee or as a volunteer.

38 The requirements of this chapter regarding gaining hours of
39 clinical mental health experience and supervision are applicable
40 equally to employees and volunteers. Experience shall not be

1 gained by interns or trainees for work performed as an independent
2 contractor or reported on an IRS Form 1099.

3 (1) If employed, a clinical counselor intern shall provide the
4 board with copies of the corresponding W-2 tax forms for each
5 year of experience claimed upon application for licensure as a
6 professional clinical counselor.

7 (2) If volunteering, a clinical counselor intern shall provide the
8 board with a letter from his or her employer verifying the intern's
9 employment as a volunteer upon application for licensure as a
10 professional clinical counselor.

11 (b) Clinical counselor trainees, interns, and applicants shall not
12 receive any remuneration from patients or clients, and shall only
13 be paid by their employers.

14 (c) While an intern may be either a paid employee or a volunteer,
15 employers are encouraged to provide fair remuneration.

16 (d) Clinical counselor trainees, interns, and applicants who
17 provide voluntary services or other services, and who receive no
18 more than a total, from all work settings, of five hundred dollars
19 (\$500) per month as reimbursement for expenses actually incurred
20 by those clinical counselor trainees, interns, and applicants for
21 services rendered in any lawful work setting other than a private
22 practice shall be considered an employee and not an independent
23 contractor.

24 (e) The board may audit an intern or applicant who receives
25 reimbursement for expenses and the intern or applicant shall have
26 the burden of demonstrating that the payments received were for
27 reimbursement of expenses actually incurred.

28 (f) Clinical counselor trainees, interns, and applicants shall only
29 perform services at the place where their employer regularly
30 conducts business and services, which may include other locations,
31 as long as the services are performed under the direction and
32 control of the employer and supervisor in compliance with the
33 laws and regulations pertaining to supervision. Clinical counselor
34 trainees, interns, and applicants shall have no proprietary interest
35 in the employer's business.

36 (g) Each educational institution preparing applicants for
37 licensure pursuant to this chapter shall consider requiring, and
38 shall encourage, its students to undergo individual, marital or
39 conjoint, family, or group counseling or psychotherapy, as
40 appropriate. Each supervisor shall consider, advise, and encourage

1 his or her interns and clinical counselor trainees regarding the
2 advisability of undertaking individual, marital or conjoint, family,
3 or group counseling or psychotherapy, as appropriate. Insofar as
4 it is deemed appropriate and is desired by the applicant, the
5 educational institution and supervisors are encouraged to assist
6 the applicant in locating that counseling or psychotherapy at a
7 reasonable cost.

8 ~~SEC. 61.~~

9 *SEC. 60.* Section 4999.50 of the Business and Professions
10 Code, as amended by Section 66 of Chapter 799 of the Statutes of
11 2012, is amended to read:

12 4999.50. (a) The board may issue a professional clinical
13 counselor license to any person who meets all of the following
14 requirements:

15 (1) He or she has received a master's or doctoral degree
16 described in Section 4999.32 or 4999.33, as applicable.

17 (2) He or she has completed at least 3,000 hours of supervised
18 experience in the practice of professional clinical counseling as
19 provided in Section 4999.46.

20 (3) He or she provides evidence of a passing score, as
21 determined by the board, on examinations designated by the board
22 pursuant to Section 4999.52.

23 (b) An applicant who has satisfied the requirements of this
24 chapter shall be issued a license as a professional clinical counselor
25 in the form that the board may deem appropriate.

26 (c) The board shall begin accepting applications for examination
27 eligibility on January 1, 2012.

28 (d) This section shall remain in effect only until January 1, 2016,
29 and as of that date is repealed, unless a later enacted statute, that
30 is enacted before January 1, 2016, deletes or extends that date.

31 ~~SEC. 62.~~

32 *SEC. 61.* Section 4999.50 of the Business and Professions
33 Code, as amended by Section 67 of Chapter 799 of the Statutes of
34 2012, is amended to read:

35 4999.50. (a) The board may issue a professional clinical
36 counselor license to any person who meets all of the following
37 requirements:

38 (1) He or she has received a master's or doctoral degree
39 described in Section 4999.32 or 4999.33, as applicable.

1 (2) He or she has completed at least 3,000 hours of supervised
2 experience in the practice of professional clinical counseling as
3 provided in Section 4999.46.

4 (3) He or she provides evidence of a passing score, as
5 determined by the board, on the examinations designated in Section
6 4999.53.

7 (b) An applicant who has satisfied the requirements of this
8 chapter shall be issued a license as a professional clinical counselor
9 in the form that the board may deem appropriate.

10 (c) This section shall become operative on January 1, 2016.

11 ~~SEC. 63.~~

12 *SEC. 62.* Section 4999.52 of the Business and Professions
13 Code, as amended by Section 10 of Chapter 800 of the Statutes of
14 2012, is amended to read:

15 4999.52. (a) Except as provided in Section 4999.54, every
16 applicant for a license as a professional clinical counselor shall be
17 examined by the board. The board shall examine the candidate
18 with regard to his or her knowledge and professional skills and his
19 or her judgment in the utilization of appropriate techniques and
20 methods.

21 (b) The examinations shall be given at least twice a year at a
22 time and place and under supervision as the board may determine.

23 (c) (1) It is the intent of the Legislature that national licensing
24 examinations, such as the National Counselor Examination for
25 Licensure and Certification (NCE) and the National Clinical Mental
26 Health Counselor Examination (NCMHCE), be evaluated by the
27 board as requirements for licensure as a professional clinical
28 counselor.

29 (2) The board shall evaluate various national examinations in
30 order to determine whether they meet the prevailing standards for
31 the validation and use of licensing and certification tests in
32 California.

33 (3) The Department of Consumer Affairs' Office of Professional
34 Examination Services shall review the occupational analysis that
35 was used for developing the national examinations in order to
36 determine if it adequately describes the licensing group and
37 adequately determines the tasks, knowledge, skills, and abilities
38 the licensed professional clinical counselor would need to perform
39 the functions under this chapter.

1 (4) Examinations shall measure knowledge and abilities
2 demonstrably important to the safe, effective practice of the
3 profession.

4 (5) If national examinations do not meet the standards specified
5 in paragraph (2), the board may require a passing score on either
6 of the following:

7 (A) The national examinations plus one or more
8 board-developed examinations.

9 (B) One or more board-developed examinations.

10 (6) If the board decides to require a national examination
11 specified in paragraph (1), a passing score on this examination
12 shall be accepted by the board for a period of seven years from
13 the date the examination was taken.

14 (7) If the board decides to require the examinations specified
15 in paragraph (5), a passing score on these examinations shall be
16 accepted by the board for a period of seven years from the date
17 the examination was taken.

18 (8) The licensing examinations shall also incorporate a
19 California law and ethics examination element that is acceptable
20 to the board, or, as an alternative, the board may develop a separate
21 California law and ethics examination.

22 (d) The board shall not deny any applicant who has submitted
23 a complete application for examination admission to the licensure
24 examinations required by this section if the applicant meets the
25 educational and experience requirements of this chapter, and has
26 not committed any acts or engaged in any conduct that would
27 constitute grounds to deny licensure.

28 (e) The board shall not deny any applicant whose application
29 for licensure is complete admission to the examinations, nor shall
30 the board postpone or delay any applicant's examinations or delay
31 informing the candidate of the results of the examinations, solely
32 upon the receipt by the board of a complaint alleging acts or
33 conduct that would constitute grounds to deny licensure.

34 (f) If an applicant for examination is the subject of a complaint
35 or is under board investigation for acts or conduct that, if proven
36 to be true, would constitute grounds for the board to deny licensure,
37 the board shall permit the applicant to take the examinations, but
38 may notify the applicant that licensure will not be granted pending
39 completion of the investigation.

1 (g) Notwithstanding Section 135, the board may deny any
2 applicant who has previously failed an examination permission to
3 retake that examination pending completion of the investigation
4 of any complaints against the applicant.

5 (h) Nothing in this section shall prohibit the board from denying
6 an applicant admission to any examination, withholding the results,
7 or refusing to issue a license to any applicant when an accusation
8 or statement of issues has been filed against the applicant pursuant
9 to Section 11503 or 11504 of the Government Code, respectively,
10 or the application has been denied in accordance with subdivision
11 (b) of Section 485.

12 (i) Notwithstanding any other provision of law, the board may
13 destroy all examination materials two years following the date of
14 an examination.

15 (j) This section shall remain in effect only until January 1, 2016,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2016, deletes or extends that date.

18 ~~SEC. 64.~~

19 *SEC. 63.* Section 4999.52 of the Business and Professions
20 Code, as amended by Section 11 of Chapter 800 of the Statutes of
21 2012, is amended to read:

22 4999.52. (a) Except as provided in Section 4999.54, every
23 applicant for a license as a professional clinical counselor shall be
24 examined by the board. The board shall examine the candidate
25 with regard to his or her knowledge and professional skills and his
26 or her judgment in the utilization of appropriate techniques and
27 methods.

28 (b) The examinations shall be given at least twice a year at a
29 time and place and under supervision as the board may determine.

30 (c) The board shall not deny any applicant who has submitted
31 a complete application for examination admission to the licensure
32 examinations required by this section if the applicant meets the
33 educational and experience requirements of this chapter, and has
34 not committed any acts or engaged in any conduct that would
35 constitute grounds to deny licensure.

36 (d) The board shall not deny any applicant whose application
37 for licensure is complete admission to the examinations specified
38 by paragraph (2) of subdivision (a) of Section 4999.53, nor shall
39 the board postpone or delay this examination for any applicant or
40 delay informing the candidate of the results of this examination,

1 solely upon the receipt by the board of a complaint alleging acts
2 or conduct that would constitute grounds to deny licensure.

3 (e) If an applicant for the examination specified by paragraph
4 (2) of subdivision (a) of Section 4999.53, who has passed the
5 California law and ethics examination, is the subject of a complaint
6 or is under board investigation for acts or conduct that, if proven
7 to be true, would constitute grounds for the board to deny licensure,
8 the board shall permit the applicant to take this examination, but
9 may notify the applicant that licensure will not be granted pending
10 completion of the investigation.

11 (f) Notwithstanding Section 135, the board may deny any
12 applicant who has previously failed either the California law and
13 ethics examination, or the examination specified by paragraph (2)
14 of subdivision (a) of Section 4999.53, permission to retake either
15 examination pending completion of the investigation of any
16 complaints against the applicant.

17 (g) Nothing in this section shall prohibit the board from denying
18 an applicant admission to any examination, withholding the results,
19 or refusing to issue a license to any applicant when an accusation
20 or statement of issues has been filed against the applicant pursuant
21 to Section 11503 or 11504 of the Government Code, respectively,
22 or the application has been denied in accordance with subdivision
23 (b) of Section 485.

24 (h) Notwithstanding any other provision of law, the board may
25 destroy all examination materials two years following the date of
26 an examination.

27 (i) On and after January 1, 2016, the examination specified by
28 paragraph (2) of subdivision (a) of Section 4999.53 shall be passed
29 within seven years of an applicant's initial attempt.

30 (j) A passing score on the clinical examination shall be accepted
31 by the board for a period of seven years from the date the
32 examination was taken.

33 (k) No applicant shall be eligible to participate in the
34 examination specified by paragraph (2) of subdivision (a) of
35 Section 4999.53, if he or she fails to obtain a passing score on this
36 examination within seven years from his or her initial attempt. If
37 the applicant fails to obtain a passing score within seven years of
38 initial attempt, he or she shall obtain a passing score on the current
39 version of the California law and ethics examination in order to
40 be eligible to retake this examination.

1 (l) This section shall become operative on January 1, 2016.

2 ~~SEC. 65.~~

3 *SEC. 64.* Section 4999.53 of the Business and Professions Code
4 is amended to read:

5 4999.53. (a) Effective January 1, 2016, a clinical counselor
6 intern applying for licensure as a clinical counselor shall pass the
7 following examinations as prescribed by the board:

8 (1) A California law and ethics examination.

9 (2) A clinical examination administered by the board, or the
10 National Clinical Mental Health Counselor Examination if the
11 board finds that this examination meets the prevailing standards
12 for validation and use of the licensing and certification tests in
13 California.

14 (b) Upon registration with the board, a clinical counselor intern
15 shall, within the first year of registration, take an examination on
16 California law and ethics.

17 (c) A registrant may take the clinical examination or the National
18 Clinical Mental Health Counselor Examination, as established by
19 the board through regulation, only upon meeting all of the
20 following requirements:

21 (1) Completion of all required supervised work experience.

22 (2) Completion of all education requirements.

23 (3) Passage of the California law and ethics examination.

24 (d) This section shall become operative on January 1, 2016.

25 ~~SEC. 66.~~

26 *SEC. 65.* Section 4999.55 of the Business and Professions Code
27 is amended to read:

28 4999.55. (a) Each applicant and registrant shall obtain a
29 passing score on a board-administered California law and ethics
30 examination in order to qualify for licensure.

31 (b) A registrant shall participate in a board-administered
32 California law and ethics examination prior to his or her registration
33 renewal.

34 (c) If an applicant fails the California law and ethics exam, he
35 or she may retake the examination, upon payment of the required
36 fees, without further application, except as provided in subdivision
37 (d).

38 (d) If a registrant fails to obtain a passing score on the California
39 law and ethics examination described in subdivision (a) within his
40 or her first renewal period on or after the operative date of this

1 section, he or she shall complete, at minimum, a 12-hour course
2 in California law and ethics in order to be eligible to participate
3 in the California law and ethics examination. Registrants shall only
4 take the 12-hour California law and ethics course once during a
5 renewal period. The 12-hour law and ethics course required by
6 this section shall be taken through a board-approved continuing
7 education provider, a county, state, or governmental entity, or a
8 college or university.

9 (e) The board shall not issue a subsequent registration number
10 unless the registrant has passed the California law and ethics
11 examination.

12 (f) This section shall become operative January 1, 2016.

13 ~~SEC. 67.~~

14 *SEC. 66.* Section 4999.60 of the Business and Professions Code
15 is amended to read:

16 4999.60. (a) This section applies to persons who are licensed
17 outside of California and apply for examination eligibility on or
18 after January 1, 2014.

19 (b) The board may issue a license to a person who, at the time
20 of submitting an application for a license pursuant to this chapter,
21 holds a valid license as a professional clinical counselor, or other
22 counseling license that allows the applicant to independently
23 provide clinical mental health services, in another jurisdiction of
24 the United States if all of the following conditions are satisfied:

25 (1) The applicant's education is substantially equivalent, as
26 defined in Section 4999.62.

27 (2) The applicant complies with subdivision (b) of Section
28 4999.40, if applicable.

29 (3) The applicant's supervised experience is substantially
30 equivalent to that required for a license under this chapter. If the
31 applicant has less than 3,000 hours of qualifying supervised
32 experience, time actively licensed as a professional clinical
33 counselor shall be accepted at a rate of 100 hours per month up to
34 a maximum of 1,200 hours.

35 (4) The applicant passes the examinations required to obtain a
36 license under this chapter. An applicant who obtained his or her
37 license or registration under another jurisdiction may apply for
38 licensure with the board without taking the clinical examination
39 if both of the following conditions are met:

1 (A) The applicant obtained a passing score on the licensing
2 examination set forth in regulation as accepted by the board.

3 (B) The applicant's license or registration in that jurisdiction is
4 in good standing at the time of his or her application and has not
5 been revoked, suspended, surrendered, denied, or otherwise
6 restricted or encumbered as a result of any disciplinary proceeding
7 brought by the licensing authority of that jurisdiction.

8 ~~SEC. 68.~~

9 *SEC. 67.* Section 4999.64 of the Business and Professions Code
10 is amended to read:

11 4999.64. (a) Effective January 1, 2016, an applicant who fails
12 the examination specified in paragraph (2) of subdivision (a) of
13 Section 4999.53 may, within one year from the notification date
14 of that failure, retake the examination as regularly scheduled
15 without further application upon payment of the fee for the
16 examination. Thereafter, the applicant shall not be eligible for
17 further examination until he or she files a new application, meets
18 all requirements in effect on the date of application, and pays all
19 required fees.

20 (b) This section shall become operative on January 1, 2016.

21 ~~SEC. 69.~~

22 *SEC. 68.* Section 4999.100 of the Business and Professions
23 Code, as amended by Section 80 of Chapter 799 of the Statutes of
24 2012, is amended to read:

25 4999.100. (a) An intern registration shall expire one year from
26 the last day of the month in which it was issued.

27 (b) To renew a registration, the registrant shall, on or before the
28 expiration date of the registration, do the following:

29 (1) Apply for a renewal on a form prescribed by the board.

30 (2) Pay a renewal fee prescribed by the board.

31 (3) Notify the board whether he or she has been convicted, as
32 defined in Section 490, of a misdemeanor or felony, or whether
33 any disciplinary action has been taken by any regulatory or
34 licensing board in this or any other state, subsequent to the
35 registrant's last renewal.

36 (c) This section shall remain in effect only until January 1, 2016,
37 and as of that date is repealed, unless a later enacted statute, that
38 is enacted before January 1, 2016, deletes or extends that date.

1 ~~SEC. 70.~~

2 *SEC. 69.* Section 4999.100 of the Business and Professions
3 Code, as amended by Section 81 of Chapter 799 of the Statutes of
4 2012, is amended to read:

5 4999.100. (a) An intern registration shall expire one year from
6 the last day of the month in which it was issued.

7 (b) To renew a registration, the registrant shall, on or before the
8 expiration date of the registration, do the following:

9 (1) Apply for a renewal on a form prescribed by the board.

10 (2) Pay a renewal fee prescribed by the board.

11 (3) Notify the board whether he or she has been convicted, as
12 defined in Section 490, of a misdemeanor or felony, or whether
13 any disciplinary action has been taken by any regulatory or
14 licensing board in this or any other state, subsequent to the
15 registrant's last renewal.

16 (4) Participate in the California law and ethics examination
17 pursuant to Section 4999.53 each year until successful completion
18 of this examination.

19 (c) The intern registration may be renewed a maximum of five
20 times. No registration shall be renewed or reinstated beyond six
21 years from the last day of the month during which it was issued,
22 regardless of whether it has been revoked. When no further
23 renewals are possible, an applicant may apply for and obtain a new
24 intern registration if the applicant meets the educational
25 requirements for registration in effect at the time of the application
26 for a new intern registration and has passed the California law and
27 ethics examination described in Section 4999.53. An applicant
28 who is issued a subsequent intern registration pursuant to this
29 subdivision may be employed or volunteer in any allowable work
30 setting except private practice.

31 (d) This section shall become operative on January 1, 2016.

32 ~~SEC. 71.~~

33 *SEC. 70.* Section 14132 of the Welfare and Institutions Code
34 is amended to read:

35 14132. The following is the schedule of benefits under this
36 chapter:

37 (a) Outpatient services are covered as follows:

38 Physician, hospital or clinic outpatient, surgical center,
39 respiratory care, optometric, chiropractic, psychology, podiatric,
40 occupational therapy, physical therapy, speech therapy, audiology,

1 acupuncture to the extent federal matching funds are provided for
2 acupuncture, and services of persons rendering treatment by prayer
3 or healing by spiritual means in the practice of any church or
4 religious denomination insofar as these can be encompassed by
5 federal participation under an approved plan, subject to utilization
6 controls.

7 (b) (1) Inpatient hospital services, including, but not limited
8 to, physician and podiatric services, physical therapy and
9 occupational therapy, are covered subject to utilization controls.

10 (2) For Medi-Cal fee-for-service beneficiaries, emergency
11 services and care that are necessary for the treatment of an
12 emergency medical condition and medical care directly related to
13 the emergency medical condition. This paragraph shall not be
14 construed to change the obligation of Medi-Cal managed care
15 plans to provide emergency services and care. For the purposes of
16 this paragraph, “emergency services and care” and “emergency
17 medical condition” shall have the same meanings as those terms
18 are defined in Section 1317.1 of the Health and Safety Code.

19 (c) Nursing facility services, subacute care services, and services
20 provided by any category of intermediate care facility for the
21 developmentally disabled, including podiatry, physician, nurse
22 practitioner services, and prescribed drugs, as described in
23 subdivision (d), are covered subject to utilization controls.
24 Respiratory care, physical therapy, occupational therapy, speech
25 therapy, and audiology services for patients in nursing facilities
26 and any category of intermediate care facility for the
27 developmentally disabled are covered subject to utilization controls.

28 (d) (1) Purchase of prescribed drugs is covered subject to the
29 Medi-Cal List of Contract Drugs and utilization controls.

30 (2) Purchase of drugs used to treat erectile dysfunction or any
31 off-label uses of those drugs are covered only to the extent that
32 federal financial participation is available.

33 (3) (A) To the extent required by federal law, the purchase of
34 outpatient prescribed drugs, for which the prescription is executed
35 by a prescriber in written, nonelectronic form on or after April 1,
36 2008, is covered only when executed on a tamper resistant
37 prescription form. The implementation of this paragraph shall
38 conform to the guidance issued by the federal Centers for Medicare
39 and Medicaid Services but shall not conflict with state statutes on
40 the characteristics of tamper resistant prescriptions for controlled

1 substances, including Section 11162.1 of the Health and Safety
2 Code. The department shall provide providers and beneficiaries
3 with as much flexibility in implementing these rules as allowed
4 by the federal government. The department shall notify and consult
5 with appropriate stakeholders in implementing, interpreting, or
6 making specific this paragraph.

7 (B) Notwithstanding Chapter 3.5 (commencing with Section
8 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
9 the department may take the actions specified in subparagraph (A)
10 by means of a provider bulletin or notice, policy letter, or other
11 similar instructions without taking regulatory action.

12 (4) (A) (i) For the purposes of this paragraph, nonlegend has
13 the same meaning as defined in subdivision (a) of Section
14 14105.45.

15 (ii) Nonlegend acetaminophen-containing products, with the
16 exception of children's acetaminophen-containing products,
17 selected by the department are not covered benefits.

18 (iii) Nonlegend cough and cold products selected by the
19 department are not covered benefits. This clause shall be
20 implemented on the first day of the first calendar month following
21 90 days after the effective date of the act that added this clause,
22 or on the first day of the first calendar month following 60 days
23 after the date the department secures all necessary federal approvals
24 to implement this section, whichever is later.

25 (iv) Beneficiaries under the Early and Periodic Screening,
26 Diagnosis, and Treatment Program shall be exempt from clauses
27 (ii) and (iii).

28 (B) Notwithstanding Chapter 3.5 (commencing with Section
29 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
30 the department may take the actions specified in subparagraph (A)
31 by means of a provider bulletin or notice, policy letter, or other
32 similar instruction without taking regulatory action.

33 (e) Outpatient dialysis services and home hemodialysis services,
34 including physician services, medical supplies, drugs and
35 equipment required for dialysis, are covered, subject to utilization
36 controls.

37 (f) Anesthesiologist services when provided as part of an
38 outpatient medical procedure, nurse anesthetist services when
39 rendered in an inpatient or outpatient setting under conditions set
40 forth by the director, outpatient laboratory services, and X-ray

1 services are covered, subject to utilization controls. Nothing in
2 this subdivision shall be construed to require prior authorization
3 for anesthesiologist services provided as part of an outpatient
4 medical procedure or for portable X-ray services in a nursing
5 facility or any category of intermediate care facility for the
6 developmentally disabled.

7 (g) Blood and blood derivatives are covered.

8 (h) (1) Emergency and essential diagnostic and restorative
9 dental services, except for orthodontic, fixed bridgework, and
10 partial dentures that are not necessary for balance of a complete
11 artificial denture, are covered, subject to utilization controls. The
12 utilization controls shall allow emergency and essential diagnostic
13 and restorative dental services and prostheses that are necessary
14 to prevent a significant disability or to replace previously furnished
15 prostheses which are lost or destroyed due to circumstances beyond
16 the beneficiary's control. Notwithstanding the foregoing, the
17 director may by regulation provide for certain fixed artificial
18 dentures necessary for obtaining employment or for medical
19 conditions that preclude the use of removable dental prostheses,
20 and for orthodontic services in cleft palate deformities administered
21 by the department's California Children Services Program.

22 (2) For persons 21 years of age or older, the services specified
23 in paragraph (1) shall be provided subject to the following
24 conditions:

25 (A) Periodontal treatment is not a benefit.

26 (B) Endodontic therapy is not a benefit except for vital
27 pulpotomy.

28 (C) Laboratory processed crowns are not a benefit.

29 (D) Removable prosthetics shall be a benefit only for patients
30 as a requirement for employment.

31 (E) The director may, by regulation, provide for the provision
32 of fixed artificial dentures that are necessary for medical conditions
33 that preclude the use of removable dental prostheses.

34 (F) Notwithstanding the conditions specified in subparagraphs
35 (A) to (E), inclusive, the department may approve services for
36 persons with special medical disorders subject to utilization review.

37 (3) Paragraph (2) shall become inoperative July 1, 1995.

38 (i) Medical transportation is covered, subject to utilization
39 controls.

1 (j) Home health care services are covered, subject to utilization
2 controls.

3 (k) Prosthetic and orthotic devices and eyeglasses are covered,
4 subject to utilization controls. Utilization controls shall allow
5 replacement of prosthetic and orthotic devices and eyeglasses
6 necessary because of loss or destruction due to circumstances
7 beyond the beneficiary's control. Frame styles for eyeglasses
8 replaced pursuant to this subdivision shall not change more than
9 once every two years, unless the department so directs.

10 Orthopedic and conventional shoes are covered when provided
11 by a prosthetic and orthotic supplier on the prescription of a
12 physician and when at least one of the shoes will be attached to a
13 prosthesis or brace, subject to utilization controls. Modification
14 of stock conventional or orthopedic shoes when medically
15 indicated, is covered subject to utilization controls. When there is
16 a clearly established medical need that cannot be satisfied by the
17 modification of stock conventional or orthopedic shoes,
18 custom-made orthopedic shoes are covered, subject to utilization
19 controls.

20 Therapeutic shoes and inserts are covered when provided to
21 beneficiaries with a diagnosis of diabetes, subject to utilization
22 controls, to the extent that federal financial participation is
23 available.

24 (l) Hearing aids are covered, subject to utilization controls.
25 Utilization controls shall allow replacement of hearing aids
26 necessary because of loss or destruction due to circumstances
27 beyond the beneficiary's control.

28 (m) Durable medical equipment and medical supplies are
29 covered, subject to utilization controls. The utilization controls
30 shall allow the replacement of durable medical equipment and
31 medical supplies when necessary because of loss or destruction
32 due to circumstances beyond the beneficiary's control. The
33 utilization controls shall allow authorization of durable medical
34 equipment needed to assist a disabled beneficiary in caring for a
35 child for whom the disabled beneficiary is a parent, stepparent,
36 foster parent, or legal guardian, subject to the availability of federal
37 financial participation. The department shall adopt emergency
38 regulations to define and establish criteria for assistive durable
39 medical equipment in accordance with the rulemaking provisions
40 of the Administrative Procedure Act (Chapter 3.5 (commencing

1 with Section 11340) of Part 1 of Division 3 of Title 2 of the
2 Government Code).

3 (n) Family planning services are covered, subject to utilization
4 controls.

5 (o) Inpatient intensive rehabilitation hospital services, including
6 respiratory rehabilitation services, in a general acute care hospital
7 are covered, subject to utilization controls, when either of the
8 following criteria are met:

9 (1) A patient with a permanent disability or severe impairment
10 requires an inpatient intensive rehabilitation hospital program as
11 described in Section 14064 to develop function beyond the limited
12 amount that would occur in the normal course of recovery.

13 (2) A patient with a chronic or progressive disease requires an
14 inpatient intensive rehabilitation hospital program as described in
15 Section 14064 to maintain the patient's present functional level as
16 long as possible.

17 (p) (1) Adult day health care is covered in accordance with
18 Chapter 8.7 (commencing with Section 14520).

19 (2) Commencing 30 days after the effective date of the act that
20 added this paragraph, and notwithstanding the number of days
21 previously approved through a treatment authorization request,
22 adult day health care is covered for a maximum of three days per
23 week.

24 (3) As provided in accordance with paragraph (4), adult day
25 health care is covered for a maximum of five days per week.

26 (4) As of the date that the director makes the declaration
27 described in subdivision (g) of Section 14525.1, paragraph (2)
28 shall become inoperative and paragraph (3) shall become operative.

29 (q) (1) Application of fluoride, or other appropriate fluoride
30 treatment as defined by the department, and other prophylaxis
31 treatment for children 17 years of age and under are covered.

32 (2) All dental hygiene services provided by a registered dental
33 hygienist, registered dental hygienist in extended functions, and
34 registered dental hygienist in alternative practice licensed pursuant
35 to Sections 1753, 1917, 1918, and 1922 of the Business and
36 Professions Code may be covered as long as they are within the
37 scope of Denti-Cal benefits and they are necessary services
38 provided by a registered dental hygienist, registered dental
39 hygienist in extended functions, or registered dental hygienist in
40 alternative practice.

(r) (1) Paramedic services performed by a city, county, or special district, or pursuant to a contract with a city, county, or special district, and pursuant to a program established under Article 3 (commencing with Section 1480) of Chapter 2.5 of Division 2 of the Health and Safety Code by a paramedic certified pursuant to that article, and consisting of defibrillation and those services specified in subdivision (3) of Section 1482 of the article.

(2) All providers enrolled under this subdivision shall satisfy all applicable statutory and regulatory requirements for becoming a Medi-Cal provider.

(3) This subdivision shall be implemented only to the extent funding is available under Section 14106.6.

(s) In-home medical care services are covered when medically appropriate and subject to utilization controls, for beneficiaries who would otherwise require care for an extended period of time in an acute care hospital at a cost higher than in-home medical care services. The director shall have the authority under this section to contract with organizations qualified to provide in-home medical care services to those persons. These services may be provided to patients placed in shared or congregate living arrangements, if a home setting is not medically appropriate or available to the beneficiary. As used in this section, “in-home medical care service” includes utility bills directly attributable to continuous, 24-hour operation of life-sustaining medical equipment, to the extent that federal financial participation is available.

As used in this subdivision, in-home medical care services include, but are not limited to:

- (1) Level of care and cost of care evaluations.
- (2) Expenses, directly attributable to home care activities, for materials.
- (3) Physician fees for home visits.
- (4) Expenses directly attributable to home care activities for shelter and modification to shelter.
- (5) Expenses directly attributable to additional costs of special diets, including tube feeding.
- (6) Medically related personal services.
- (7) Home nursing education.
- (8) Emergency maintenance repair.

1 (9) Home health agency personnel benefits which permit
2 coverage of care during periods when regular personnel are on
3 vacation or using sick leave.

4 (10) All services needed to maintain antiseptic conditions at
5 stoma or shunt sites on the body.

6 (11) Emergency and nonemergency medical transportation.

7 (12) Medical supplies.

8 (13) Medical equipment, including, but not limited to, scales,
9 gurneys, and equipment racks suitable for paralyzed patients.

10 (14) Utility use directly attributable to the requirements of home
11 care activities which are in addition to normal utility use.

12 (15) Special drugs and medications.

13 (16) Home health agency supervision of visiting staff which is
14 medically necessary, but not included in the home health agency
15 rate.

16 (17) Therapy services.

17 (18) Household appliances and household utensil costs directly
18 attributable to home care activities.

19 (19) Modification of medical equipment for home use.

20 (20) Training and orientation for use of life-support systems,
21 including, but not limited to, support of respiratory functions.

22 (21) Respiratory care practitioner services as defined in Sections
23 3702 and 3703 of the Business and Professions Code, subject to
24 prescription by a physician and surgeon.

25 Beneficiaries receiving in-home medical care services are entitled
26 to the full range of services within the Medi-Cal scope of benefits
27 as defined by this section, subject to medical necessity and
28 applicable utilization control. Services provided pursuant to this
29 subdivision, which are not otherwise included in the Medi-Cal
30 schedule of benefits, shall be available only to the extent that
31 federal financial participation for these services is available in
32 accordance with a home- and community-based services waiver.

33 (t) Home- and community-based services approved by the
34 United States Department of Health and Human Services may be
35 covered to the extent that federal financial participation is available
36 for those services under waivers granted in accordance with Section
37 1396n of Title 42 of the United States Code. The director may
38 seek waivers for any or all home- and community-based services
39 approvable under Section 1396n of Title 42 of the United States

1 Code. Coverage for those services shall be limited by the terms,
2 conditions, and duration of the federal waivers.

3 (u) Comprehensive perinatal services, as provided through an
4 agreement with a health care provider designated in Section
5 14134.5 and meeting the standards developed by the department
6 pursuant to Section 14134.5, subject to utilization controls.

7 The department shall seek any federal waivers necessary to
8 implement the provisions of this subdivision. The provisions for
9 which appropriate federal waivers cannot be obtained shall not be
10 implemented. Provisions for which waivers are obtained or for
11 which waivers are not required shall be implemented
12 notwithstanding any inability to obtain federal waivers for the
13 other provisions. No provision of this subdivision shall be
14 implemented unless matching funds from Subchapter XIX
15 (commencing with Section 1396) of Chapter 7 of Title 42 of the
16 United States Code are available.

17 (v) Early and periodic screening, diagnosis, and treatment for
18 any individual under 21 years of age is covered, consistent with
19 the requirements of Subchapter XIX (commencing with Section
20 1396) of Chapter 7 of Title 42 of the United States Code.

21 (w) Hospice service which is Medicare-certified hospice service
22 is covered, subject to utilization controls. Coverage shall be
23 available only to the extent that no additional net program costs
24 are incurred.

25 (x) When a claim for treatment provided to a beneficiary
26 includes both services which are authorized and reimbursable
27 under this chapter, and services which are not reimbursable under
28 this chapter, that portion of the claim for the treatment and services
29 authorized and reimbursable under this chapter shall be payable.

30 (y) Home- and community-based services approved by the
31 United States Department of Health and Human Services for
32 beneficiaries with a diagnosis of AIDS or ARC, who require
33 intermediate care or a higher level of care.

34 Services provided pursuant to a waiver obtained from the
35 Secretary of the United States Department of Health and Human
36 Services pursuant to this subdivision, and which are not otherwise
37 included in the Medi-Cal schedule of benefits, shall be available
38 only to the extent that federal financial participation for these
39 services is available in accordance with the waiver, and subject to
40 the terms, conditions, and duration of the waiver. These services

1 shall be provided to individual beneficiaries in accordance with
2 the client's needs as identified in the plan of care, and subject to
3 medical necessity and applicable utilization control.

4 The director may under this section contract with organizations
5 qualified to provide, directly or by subcontract, services provided
6 for in this subdivision to eligible beneficiaries. Contracts or
7 agreements entered into pursuant to this division shall not be
8 subject to the Public Contract Code.

9 (z) Respiratory care when provided in organized health care
10 systems as defined in Section 3701 of the Business and Professions
11 Code, and as an in-home medical service as outlined in subdivision
12 (s).

13 (aa) (1) There is hereby established in the department, a
14 program to provide comprehensive clinical family planning
15 services to any person who has a family income at or below 200
16 percent of the federal poverty level, as revised annually, and who
17 is eligible to receive these services pursuant to the waiver identified
18 in paragraph (2). This program shall be known as the Family
19 Planning, Access, Care, and Treatment (Family PACT) Program.

20 (2) The department shall seek a waiver in accordance with
21 Section 1315 of Title 42 of the United States Code, or a state plan
22 amendment adopted in accordance with Section
23 1396a(a)(10)(A)(ii)(XXI)(ii)(2) of Title 42 of the United States
24 Code, which was added to Section 1396a of Title 42 of the United
25 States Code by Section 2303(a)(2) of the federal Patient Protection
26 and Affordable Care Act (PPACA) (Public Law 111-148), for a
27 program to provide comprehensive clinical family planning
28 services as described in paragraph (8). Under the waiver, the
29 program shall be operated only in accordance with the waiver and
30 the statutes and regulations in paragraph (4) and subject to the
31 terms, conditions, and duration of the waiver. Under the state plan
32 amendment, which shall replace the waiver and shall be known as
33 the Family PACT successor state plan amendment, the program
34 shall be operated only in accordance with this subdivision and the
35 statutes and regulations in paragraph (4). The state shall use the
36 standards and processes imposed by the state on January 1, 2007,
37 including the application of an eligibility discount factor to the
38 extent required by the federal Centers for Medicare and Medicaid
39 Services, for purposes of determining eligibility as permitted under
40 Section 1396a(a)(10)(A)(ii)(XXI)(ii)(2) of Title 42 of the United

1 States Code. To the extent that federal financial participation is
2 available, the program shall continue to conduct education,
3 outreach, enrollment, service delivery, and evaluation services as
4 specified under the waiver. The services shall be provided under
5 the program only if the waiver and, when applicable, the successor
6 state plan amendment are approved by the federal Centers for
7 Medicare and Medicaid Services and only to the extent that federal
8 financial participation is available for the services. Nothing in this
9 section shall prohibit the department from seeking the Family
10 PACT successor state plan amendment during the operation of the
11 waiver.

12 (3) Solely for the purposes of the waiver or Family PACT
13 successor state plan amendment and notwithstanding any other
14 provision of law, the collection and use of an individual's social
15 security number shall be necessary only to the extent required by
16 federal law.

17 (4) Sections 14105.3 to 14105.39, inclusive, 14107.11, 24005,
18 and 24013, and any regulations adopted under these statutes shall
19 apply to the program provided for under this subdivision. No other
20 provision of law under the Medi-Cal program or the State-Only
21 Family Planning Program shall apply to the program provided for
22 under this subdivision.

23 (5) Notwithstanding Chapter 3.5 (commencing with Section
24 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
25 the department may implement, without taking regulatory action,
26 the provisions of the waiver after its approval by the federal Health
27 Care Financing Administration and the provisions of this section
28 by means of an all-county letter or similar instruction to providers.
29 Thereafter, the department shall adopt regulations to implement
30 this section and the approved waiver in accordance with the
31 requirements of Chapter 3.5 (commencing with Section 11340) of
32 Part 1 of Division 3 of Title 2 of the Government Code. Beginning
33 six months after the effective date of the act adding this
34 subdivision, the department shall provide a status report to the
35 Legislature on a semiannual basis until regulations have been
36 adopted.

37 (6) In the event that the Department of Finance determines that
38 the program operated under the authority of the waiver described
39 in paragraph (2) or the Family PACT successor state plan
40 amendment is no longer cost effective, this subdivision shall

1 become inoperative on the first day of the first month following
2 the issuance of a 30-day notification of that determination in
3 writing by the Department of Finance to the chairperson in each
4 house that considers appropriations, the chairpersons of the
5 committees, and the appropriate subcommittees in each house that
6 considers the State Budget, and the Chairperson of the Joint
7 Legislative Budget Committee.

8 (7) If this subdivision ceases to be operative, all persons who
9 have received or are eligible to receive comprehensive clinical
10 family planning services pursuant to the waiver described in
11 paragraph (2) shall receive family planning services under the
12 Medi-Cal program pursuant to subdivision (n) if they are otherwise
13 eligible for Medi-Cal with no share of cost, or shall receive
14 comprehensive clinical family planning services under the program
15 established in Division 24 (commencing with Section 24000) either
16 if they are eligible for Medi-Cal with a share of cost or if they are
17 otherwise eligible under Section 24003.

18 (8) For purposes of this subdivision, “comprehensive clinical
19 family planning services” means the process of establishing
20 objectives for the number and spacing of children, and selecting
21 the means by which those objectives may be achieved. These
22 means include a broad range of acceptable and effective methods
23 and services to limit or enhance fertility, including contraceptive
24 methods, federal Food and Drug Administration approved
25 contraceptive drugs, devices, and supplies, natural family planning,
26 abstinence methods, and basic, limited fertility management.
27 Comprehensive clinical family planning services include, but are
28 not limited to, preconception counseling, maternal and fetal health
29 counseling, general reproductive health care, including diagnosis
30 and treatment of infections and conditions, including cancer, that
31 threaten reproductive capability, medical family planning treatment
32 and procedures, including supplies and followup, and
33 informational, counseling, and educational services.
34 Comprehensive clinical family planning services shall not include
35 abortion, pregnancy testing solely for the purposes of referral for
36 abortion or services ancillary to abortions, or pregnancy care that
37 is not incident to the diagnosis of pregnancy. Comprehensive
38 clinical family planning services shall be subject to utilization
39 control and include all of the following:

1 (A) Family planning related services and male and female
2 sterilization. Family planning services for men and women shall
3 include emergency services and services for complications directly
4 related to the contraceptive method, federal Food and Drug
5 Administration approved contraceptive drugs, devices, and
6 supplies, and followup, consultation, and referral services, as
7 indicated, which may require treatment authorization requests.

8 (B) All United States Department of Agriculture, federal Food
9 and Drug Administration approved contraceptive drugs, devices,
10 and supplies that are in keeping with current standards of practice
11 and from which the individual may choose.

12 (C) Culturally and linguistically appropriate health education
13 and counseling services, including informed consent, that include
14 all of the following:

- 15 (i) Psychosocial and medical aspects of contraception.
- 16 (ii) Sexuality.
- 17 (iii) Fertility.
- 18 (iv) Pregnancy.
- 19 (v) Parenthood.
- 20 (vi) Infertility.
- 21 (vii) Reproductive health care.
- 22 (viii) Preconception and nutrition counseling.
- 23 (ix) Prevention and treatment of sexually transmitted infection.
- 24 (x) Use of contraceptive methods, federal Food and Drug
25 Administration approved contraceptive drugs, devices, and
26 supplies.
- 27 (xi) Possible contraceptive consequences and followup.
- 28 (xii) Interpersonal communication and negotiation of
29 relationships to assist individuals and couples in effective
30 contraceptive method use and planning families.

31 (D) A comprehensive health history, updated at the next periodic
32 visit (between 11 and 24 months after initial examination) that
33 includes a complete obstetrical history, gynecological history,
34 contraceptive history, personal medical history, health risk factors,
35 and family health history, including genetic or hereditary
36 conditions.

37 (E) A complete physical examination on initial and subsequent
38 periodic visits.

1 (F) Services, drugs, devices, and supplies deemed by the federal
2 Centers for Medicare and Medicaid Services to be appropriate for
3 inclusion in the program.

4 (9) In order to maximize the availability of federal financial
5 participation under this subdivision, the director shall have the
6 discretion to implement the Family PACT successor state plan
7 amendment retroactively to July 1, 2010.

8 (ab) (1) Purchase of prescribed enteral nutrition products is
9 covered, subject to the Medi-Cal list of enteral nutrition products
10 and utilization controls.

11 (2) Purchase of enteral nutrition products is limited to those
12 products to be administered through a feeding tube, including, but
13 not limited to, a gastric, nasogastric, or jejunostomy tube.
14 Beneficiaries under the Early and Periodic Screening, Diagnosis,
15 and Treatment Program shall be exempt from this paragraph.

16 (3) Notwithstanding paragraph (2), the department may deem
17 an enteral nutrition product, not administered through a feeding
18 tube, including, but not limited to, a gastric, nasogastric, or
19 jejunostomy tube, a benefit for patients with diagnoses, including,
20 but not limited to, malabsorption and inborn errors of metabolism,
21 if the product has been shown to be neither investigational nor
22 experimental when used as part of a therapeutic regimen to prevent
23 serious disability or death.

24 (4) Notwithstanding Chapter 3.5 (commencing with Section
25 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
26 the department may implement the amendments to this subdivision
27 made by the act that added this paragraph by means of all-county
28 letters, provider bulletins, or similar instructions, without taking
29 regulatory action.

30 (5) The amendments made to this subdivision by the act that
31 added this paragraph shall be implemented June 1, 2011, or on the
32 first day of the first calendar month following 60 days after the
33 date the department secures all necessary federal approvals to
34 implement this section, whichever is later.

35 (ac) Diabetic testing supplies are covered when provided by a
36 pharmacy, subject to utilization controls.

O